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GIVEN BY
Miss Mary Esther

KENTUCKY JURISPRUDENCE.

A HISTORY OF THE TRIAL OF

MISS DELIA A. WEBSTER.

At Lexington, Kentucky, Dec'r 17-21, 1844,

BEFORE THE HON. RICHARD BUCKNER.

ON A CHARGE OF AIDING SLAVES TO ESCAPE FROM THAT COMMONWEALTH—WITH MISCELLANEOUS REMARKS, INCLUDING HER VIEWS ON AMERICAN SLAVERY.

WRITTEN BY HERSELF.

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"HE THAT FILCHES FROM ME MY GOOD NAME,
ROBS ME OF THAT WHICH NOT ENRICHETH HIM,
AND MAKES ME POOR INDEED."—*Shakspeare's Othello.*

VERGENNES:

E. W. BLAISDELL, PRINTER.

1845.

8°77

Miss Mary Eastin,
1 Aug. 1899

District of Vermont, to wit:

BE IT REMEMBERED. That on the 23d day of April, Anno Domini, 1845, Benajah Webster, of the said District, hath deposited in this Office the Title of a Pamphlet, the Title of which is in the following words, to wit:

"Kentucky Jurisprudence. A history of the Trial of Delia Ann Webster, at Lexington, Kentucky, Dec'r 17—21, 1844, before the Hon. Richard Buckner. on a charge of aiding Slaves to escape from that Commonwealth,—with Miscellaneous remarks, including her views of American Slavery. Written by herself.

"He that filches from me my good name,
Robs me of that which not enricheth him,
And makes me poor indeed."

The right whereof he claims as proprietor in conformity with an act of Congress, entitled "An Act to amend the several Acts respecting Copy-Rights.

EDWARD H. PRENTISS, Clerk of the District.

HISTORY

OF THE

TRIAL OF MISS DELIA A. WEBSTER, &c.

The time is now come, when every breeze seems to whisper in monitory tones, that it belongs to me to remove a weight from the public mind, imposed on them, by a certain class of persons, whose motives I have no wish to impugn, and to whose low innuendoes and foul detractions I shall not condescend to reply. It is no part of my object in this publication to expose the incongruities of the calumniator, or hold him up to public detestation.

To lay the truth before the world, and unprejudice the minds now biassed by falsehood, is the duty of those who possess the facts. The many difficulties to be encountered, makes this task appear more than Herculean; and I should shrink from it in despair, were it not that prejudice and interest cannot always be relied on to garrison the mind against the assaults of truth. This fact, together with duty to myself, to my country and my God, animates me to take the pen, and laying aside my natural diffidence, attempt what I hoped to have seen done by a much abler hand.

While thus practically expressing the opinion that my predecessors on this theme have not exhausted the subject, it shall be my humble endeavor to arrange the facts beyond contradiction abroad, or the power of detraction at home.

Errors may be expected; but however deficient in style, or imperfect in execution, it is sincerely to be hoped it will secure from a generous public an indulgent reception.

It has been often asked how Miss Webster came to engage in teaching, and why found in a land of slavery, so far from friends and home, if not actually an agent of the abolition societies and deputised to trespass on the rights of the slaveholder—rob him of his lawful property, and promote mutiny among the black population? In answer to this inquiry, it may not be amiss to introduce a brief abstract from my history.

When twelve years of age, I was employed by my teacher in taking charge of some classes of small children in the same school, where for some time I had been myself a pupil, and still continued my recitations. Naturally fond of children, I became much attached to my little pupils, and soon acquired a love for teaching, which continues unabated in its ardor to the present day.

A desire for usefulness was even then paramount in my mind, and to that end I directed my studies; anxious, if possible, to acquire a thorough and liberal education. But in the spring of 1835, my means for prosecuting my studies being limited, I engaged in teaching in a neighboring town. Just beginning to tread the path of literature, it was with a heavy heart I tore myself from my young associates and bade adieu to the Vergennes Classical School, an institution, which in many respects at that time, was, I think, second to none in New England.

I continued teaching and studying alternately till about the year 1839, when my health was evidently on the decline.

From a child, my constitution had been delicate; and it was now deemed necessary to employ counsel. Emi-

nent Physicians were called and a long and tedious course of medicine faithfully persevered in, till tonics seemed to have lost their efficacy and become powerless; and my friends were looking for me to find an early grave, when a change of air and scenery were recommended as a last resort. My father accordingly devoted some time in journeying with me; but it not being consistent for him to be absent from home long at a time, he left me at Saratoga Springs, in the care of a sister. The water agreeing with my health, I remained there so long as I seemed to acquire strength from its use; after which, in the care of a family relative, I visited Montreal, and several other places in Canada. Returning after spending some time in those parts, I visited several of the states, sometimes stopping several months in a place, teaching or studying, as best suited my health and pecuniary circumstances.

Early in 1843, I visited Kentucky, in company with a Mr. and Mrs. Spencer, teachers and friends of mine. We taught several painting classes in the vicinity of Lexington, and in July of the same year opened a class in that city.

But scarcely had we commenced teaching, when we were solicited to open a high school for a year, or term of years. This we had no idea of doing. Indeed I could not think of prolonging my stay from home to such a period. But being urged by the pastor of the first Presbyterian Church, Rev. N. H. Hall, and many other persons of influence in Lexington, we engaged to do so, should the encouragement be sufficient to justify our stay. At this juncture Mr. S. was taken dangerously ill with intermittent fever, and I entered the School, the only teacher.—Before he recovered, Mrs. S. was attacked with the same fever, and one or both of them continued ill until the ensuing Spring, when thinking the climate unfavorable to their

health, and the school not being large enough to employ so many teachers, they took their departure. I continued in the Academy until my arrest; boarding a considerable portion of the time I remained in Lexington, in the family of David Glass, Esq., a gentleman of worth and high respectability, living on 2nd Street, to whom I refer those disposed to inquire, for testimonials of my reputation and standing, from my first arrival in Lexington up to the time of my arrest.

I would also refer to Rev. W. F. Broaddus, Thomas Boswell, Thomas Bradley, Hon. Henry Clay, Cassius M. Clay, Gen. Leslie Combs, Samuel Shy, Esq., Judge Davis, Dr. Fishback, Tobias Gibson, Rev. N. H. Hall, A. Harwood, M. C. Johnson, Esq., W. B. Kinkead, Esq., Gen. Jno. M. McCalla, A. J. McCalla, R. Pindell, Esq., Dr. Price, Tho. S. Redd, M. T. Scott, A. T. Skillman, Rev. Mr. Vanmetre, J. B. Waller, Esq. and Dr. L. Warfield; all of whom are well known as persons of standing and influence and many of whom were my patrons.

About the 1st of September, 1844, Mr. Fairbank, a Methodist preacher, from the State of New York, took boarding at the same house with myself, and on one or two occasions preached on the Sabbath.

I cannot better give the facts bearing upon the circumstances preceding my arrest, than by introducing an extract from a letter addressed to a friend in Ohio, bearing date,

"LEXINGTON JAIL, Monday Morning, 1 o'clock, }
October 7, 1844. }

"Mr. Fairbank was frequently known to take excursions into the neighboring counties on business, as he said, with members of the Conference; taking letters to and fro, which I suppose was true,—was sometimes absent two or

three days at a time, and often invited me to accompany him; but being confined with a large and interesting School, I was under the necessity of declining his invitations.

"At length he told me he should be going to the country again on Saturday, and once more invited me to ride, as on that day I would be disengaged from my school. Again I excused myself, it being the day on which a meeting had been appointed of the Lexington Female Missionary Society, of which I am the President. But on deliberation, having been closely pent up in the smoky atmosphere of a crowded city during the heat of Summer without any recreation, I thought perhaps an excursion in the country might be advantageous; and then told him, if it was not important for him to leave until afternoon, I would adjourn the meeting an hour earlier than usual, and go, if other ladies from the boarding house would like to accompany us. Other company was engaged, but when the day arrived, they were necessarily detained; and it being somewhat unpleasant, I was myself hesitating, when, being encouraged by our landlady and other members of the family, I went."

As corroborative of the foregoing, and furnishing some additional reasons which influenced me to the tour now under consideration, I will here introduce a brief extract from a letter to a friend in Lexington:

"I solicited the company of other ladies, but failed of securing it, as they were so circumstanced that they could not be absent over the Sabbath, and it was absolutely impracticable for me to leave soon enough to admit of a return on the same day, as the regular weekly meeting of our Missionary Society was on Saturday, and it fell to my lot to prepare

the sewing. Mrs. G. (our hostess) well knows my own indecision, when I found we were not to have other company. As I got into the hack, I remarked to her, which no doubt she also recollects, that I would enjoy my ride much better if she also were going; to which she responded that she would be very happy to accompany me, and *would* do so, if it were consistent with her household duties. She then asked me if I thought I should get back by nine, on Monday morning, to which I replied in the affirmative, and requested her to detain my pupils."

It is proper to remark here that a ride to Versailles, or Georgetown, had been in contemplation for several days previous. But some of the company declining, Mr. F. manifested a desire to change the route, and go through Paris, to meet some friends of his, who were expected to be there on that day. My object being the benefit of a ride in the country air, it of course made no material difference with me, what particular road we took, provided I could return at the time specified.

And even had I felt a choice, it is doubtful whether I should have made it known, as I never allow myself to be governed by motives so selfish, that I cannot condescend to what appears the reasonable wishes of another; nor to be so sanguine in my expectations that a slight change would become a serious disappointment.

I was very desirous to meet my engagements on Monday morning, but in this I failed. When we reached Millersburg, one of the horses appeared quite sick, and we learned from Israel (the hackman,) that it was sick previous to leaving Lexington. We stopped at the hotel kept by Mr. Halloway. He brought a pitcher of water to the carriage and examined the horse, and after a little consultation it was thought best to leave it there and take one of Mr. Holloway's in its stead.

We did so, and proceeded. The next day was the Sabbath. I was deceived in the distance, somewhat fatigued and being unwilling to spend the whole day either in riding or visiting, Mr. F. left me at a private house, where I remained until late in the evening, when he returned. We then rode a few miles homeward to the hotel of Mr. Musick in Washington, where we remained until 4 o'clock in the morning. As we wished to start very early we did not retire, but passed the time in reading and conversation in company with Mr. Musick in the public parlor. During our stay there the landlord, Mr. Musick, did not leave the room we were in except in two instances, when he was not absent more than two or three minutes; in the first instance to order refreshments, and in the other instance to order the horses. And in neither case was the door to the room locked, and I believe, *not even closed.*

We staid here until 4 o'clock in the morning and then left; but had rode only a few miles when we perceived a fine looking horse following our carriage. When we reached a toll gate, the keeper supposing the horse belonged to us, demanded toll for him. We informed him that the horse was not ours, and requested that he would drive him back; which he did. Before we reached another toll gate, however, the horse had again overtaken us, and was again driven back by request. We stopped an hour or two at the "Blue Lick Springs," and while there, the horse came up, and we related to the landlord the circumstance of his having followed us from Washington. He sent a servant to drive him back, but without success. And our hackman being confident that he knew the horse, and that it belonged to a neighbour living in Lexington, who had kept him in his master's stable for some time, we thought it would be a kindness to the horse as well as to the owner to

take him home, and concluded to pay his toll. When we arrived at Millersburg, Mr. Holloway, the tavern-keeper told us, the horse we left there sick had died in our absence, and we might go on to Lexington with his, and then send it back. We asked him if he knew the horse that was following us, to which he replied in the negative; and the hackman then expressed his conviction to Mr. H. that it belonged in Lexington, upon which the landlord and several others recommended putting it in the harness, and driving it to Lexington, as the probability was that it *did* belong there, and it would save a trip back to Millersburg. Mr. F. at first objected, fearing that it was not a carriage horse, and might not do well, as it seemed to be quite young. It however appeared rather domesticated and he consented to have it put in on trial. And it moved so orderly that they decided that it was best to go on with it instead of taking Mr. Holloway's. We did so. [This is the horse which the public prints have so often charged Mr. F. with having *stolen*.]

When within a short distance of Paris, we met Mr. Craig, the owner of the hack, &c. Mr. F. asked him if he recognized both the horses and he answered in the negative; Mr. F. then told him that he had left his sick horse in Millersburgh and on his return he found it dead, and the one now in the harness he knew nothing of except that it followed from Washington to Millersburg, and was then put into the carriage instead of Mr. Holloway's. Mr. C. said that he heard his horse was dead, and had just started out to go to Millersburgh and see if it were true. But if it were a fact, he would go no further. We stopped awhile in Paris and Mr. C. then said to Mr. F. that he should expect him to pay for his horse. Mr. F. said that he did not think it would be just to pay for a horse that was sick

before he had it, and as Mr. C. had sent his own hackman to take charge of the team, he did not feel responsible for the loss. Mr. C. said he did not know that the horse was sick; any how he could not afford to lose him. Mr. F. asked the price, and on being told $100, said he was willing to submit it to arbitrators, and would do whatever they should decide to be right. We then proceeded to Lexington and had nearly reached our boarding house, when Mr. C. left the carriage he was riding in—clambered upon the driver's seat of ours, and directed the horses' heads to the "Megowan Hotel." He then came down, opened the hack door and said to Mr. F. "Now sir, I want my pay for that horse!" Mr. F. replied "I am willing, sir, to do what I told you. I don't know what your customs are here; but if any honorable man can be found who will say I ought to pay for the horse, I will do so." Mr. C. then said he should not leave it to others, but if Mr. Fairbank would put a hundred dollars into his hand without any further ceremony, he would be satisfied. But unless he did so, and that immediately, he should not advance another step. Mr. F. said he had not that much with him. Mr. C. at this appeared exceedingly irritated, and raising his voice ordered him to get out of the hack. Mr. F. then told him he would see him after he had accompanied Miss Webster to her boarding house. He had taken her from there, and wished to return with her. By this time a crowd of persons had assembled to the spot. Mr. C. then repeated his order, adding, if he did not get out immediately they would take him out. Mr. Fairbank then got out, and Mr. Craig seized him by the collar and cried aloud, "Bring a rope. *Bring a rope quick.* I've got the man that killed my horse." Till now I had been silent. My heart was pained with the horrid imprecations that rent the atmos-

phere, and knowing how lightly human life was esteemed, especially by an infuriated mob, and how slight an offence would provoke the dark and fiendish spirit of those enemies of God and man to draw the dirk, pistol or bowie knife on their defenceless fellow; feared the result; and venturing to speak, I addressed Mr. Craig, as nearly as I can recollect, in the following words:

"Though I may be a stranger to you, sir, I have, for some time been a resident of this city, and am well known as principal of the Academy. My name is Webster; and my patrons are of the first class in the community. Your demand, seems to me, sir, unreasonable; but if Mr. F. wishes to satisfy it, I can loan him the sum requisite." I then expressed my hope that they would keep cool, and that their excitement would not lead them to act unadvisedly.—Mr. Craig respectfully and mildly replied, that he was not exasperated because Mr. Fairbank *had not the money*, but because he saw plainly he had no disposition to give him any satisfaction even if he had the means. I remarked to him that Mr. F. was a stranger in the place, of course not accustomed to our usages; and rather than have any unwarrantable measures pursued I would pay for the horse myself. I then invited him to get into the hack—to suffer Mr. F. to do so—to accompany us to our boarding house and there candidly and cooly talk over the whole matter; at the same time assuring him if he would do so, I had no doubt that the affair would be settled to his perfect satisfaction. He answered that he would talk with him a few minutes first. Then turning to the hackman, told him to take me home if I wished to go. The horses started, and I saw a crowd surround Mr. F. and heard him say, "Gentlemen it is not necessary for you to tie me. If you wish me to go in, I will do so." They then seized hold of him and

took him into the bar-room. The rabble instantly rushed to the door but were pushed back and the door locked. I ordered the carriage to stop, but no sooner was I obeyed than I found myself literally enveloped by a mob of several hundred. At this moment Mr. James P. Megowan, seeing the danger I was in, hastened to my relief. He invited me to sit in the parlor; but I told him they were looking for me at my boarding house. I was unattended, but would sit in the carriage till they got through their consultation. He then said it might be some time and asked if I would accept the company of his brother? to which I replied that I would rather not trouble his brother, as he was an entire stranger; and requested him to ask Mr. Craig if he would be out soon. Mr. M. said the crowd was increasing every moment, and I had better drive around the corner while he spoke to Mr. C. He returned directly with answer that he would come in a few minutes. "But," added Mr. Megowan, "I think it very doubtful. They are quite excited and may remain there two or three hours, perhaps all night." I then expressed a wish to see Gen. McCalla. But he was not called. Mr. M. again invited me to go in, adding that I was in imminent danger, and I told him I would do so, if he thought best.

He however did not advise it, but offered to attend me home and did so, in company with Mr. Moreland. I met with the same cordial reception, deference and respect I had ever found. Supper was over, but mine was immediately brought up and I sat down to relate the incidents of my unfortunate ride. Being more or less in the habit of ascribing the cause of my trials to some of my own errors either of heart or head, I was more than half inclined to charge this to my violation of a divine precept taught in Is. 66, 23. When I retired to my room, I requested Mrs.

Glass to accompany me, which she did. Immediately on opening the door, I perceived a slight change in the location of several articles and inquired of Mrs. G. who had been in my room during my absence? She replied that *no one* had been in. I then pointed out to her several articles which to her certain knowledge as well as my own, were now occupying a different place from that they retained when I left, and asked her to account for it. She simply replied "You may have forgotten Miss Webster." I then said, "Admitting Mrs. Glass, that I may be mistaken in relation to some things, yourself surely cannot have forgotten my closing and fastening the window shutters, in your presence, the last thing before I left the room; and now you see they are wide open." She then responded that she certainly had not been in herself, and if any one else had, it was without her knowledge, and added, "Perhaps the wind might have opened the shutters."*

I was not disposed to question the old lady's veracity, and merely remarked that I should be sorry to have untrusty servants intrude in my absence. The subject was then waived, and we conversed awhile on other topics; after which she retired to her own apartment. I was in the habit of offering Mrs. Glass the key of my room whenever I went out and had done so on that occasion, but took it with me by her request.

Late in the night we were aroused by a heavy rap at the door, which was several times repeated each louder and heavier. I listened a moment, and hearing no servant go to the door, I stepped into Mrs. G.'s room, to know if she

* She afterward said to Gen. Combs, "Miss Webster would never have known that any one entered her room in her absence *if I had not forgotten to reclose the shutters.*"

heard it. She appeared quite alarmed and said she dared not go to the door. I then recommended her to go ; which she consented to do, if I would go with her. She called to know who was there, and was answered "Friend." She asked the name, but no reply. Those without inquired if Mr. Glass was within, were answered by Mrs. G. in the affirmative, when they expressed a wish to see him. Mrs. G. now retreated, declaring that she dared not open the door. The knocking grew more violent, and it was evident there were several without. I know not why I desired the door should be opened, but still I advised it and at length Mrs. G. said if I thought best to open it she would not object. I then went to the door, unhesitatingly turned the key and invited them in. They first inquired if Mr. Glass was in ; being informed he *was not*, asked where he was—and when he was expected to return —expressed some regret at not seeing him, bade me "good evening," and took their departure. We once more retired to our several apartments, but not an hour had elapsed ere we were again aroused in a similar manner. Mrs. G. again hesitated and asked me if I thought it best to grant admittance.

I told her I knew no objection, when she opened the door and a company of persons entered in the garb of gentlemen, whose object, as the sequel disclosed, was the capture, of an unprotected female. It may not be uninteresting to introduce here a brief extract from a letter dated Oct. 7th, 1844, written in jail, giving some account of my arrest.

"I was desired to return to the "Megowan Hotel." From my estimate of Kentucky gallantry, I of course, expected to find a carriage at the door. * * My *walk* was quiet and somewhat agreeable. It was a beautiful

moonlight night, though cool for the season. Some few clouds mantled the horizon, and the murmurings of a gentle breeze added romance to the occasion. Nought else was heard, save low whisperings, and the tramping of footsteps on the pavements; I being honored with upwards of forty attendents. You would have smiled at the novelty of the scene. Ever and anon we passed small groups of from ten to twenty persons, apparently engaged in earnest consultation. Whether they were planning a project of humanity or meditating some deed of darkness, was not in my power to determine. This eventful night was the commencement of a new era in my history."

From this solemn, midnight hour, I date my wearisome captivity. When I arrived at the "hotel," I was accompanied by Mr. Thomas B. Megowan, through a lower room —up stairs and thence to the "Debtor's Room," where I was unceremoniously locked in, without a word being spoken. This room was large, and rather commodious, being occasionally occupied by boarders and travellers. The next morning, as the door remained locked, I looked around for a bible, thinking it would be a convenient opportunity to read, before school-time; not having the remotest idea but I would be released when my school hour arrived. There was, however, but one book in the room, which I eagerly siezed, but discovering it to be a "novel" I laid it down unopened, and returned to my meditations; but was soon interrupted by loud execrations in the jail-yard, which drew my attention to the window; whence I saw Mr. Fairbank, surrounded by a crowd of well dressed men, calling him a *vile* "*Abolitionist*," and with the same breath threatening his life. Some proposed to hang him, say no more about it and let Miss Webster go back to her school, others objected, declaring that they ought both of

them to be decapitated openly, and their heads carried through the streets. Some thought best to cut his throat or blow out his brains instantly. But another rushing up to him, declared with a solemn oath, he would himself tear his heart out with a "bowie-knife." I looked to see him fall a mangled corpse; when he gravely but emphatically answered, "Gentlemen, think not to frighten me with such sights. The drawing of your knives and pistols don't alarm me." Then, throwing open his coat and bearing his breast, continued, "I am prepared to die. But remember there is a God in Heaven! And if I fall a victim to your violence, remember that that man who sheds a drop of my blood, will lose his soul in Hell."* They seemed a little daunted by these remarks, and Mr. F. inquired for Miss Webster; adding, that he wished to see her. But was answered in an uncouth manner, that his wish would not be granted.

These were persons in the yard, who knew I was standing at the window, having seen me from the first; and at this instant directed Mr. F's eye upward; when I cheerfully bade him "Good-Morning;" which was so distinctly heard below, that he was instantly taken out of my sight.

Not a moment had elapsed ere Mrs. Megowan opened the door and I supposed my release was at hand, when she very peremptorily said "You are not to look out of that window nor the other," and was about relocking the door when I called to her, and told her it would be necessary I should leave soon; as it was near school-time. She responded "You will be kept here two or three days, school or no school." I then requested to see Mr. Clay,

* There were several by-standers, who took no part in these proceedings; and who can testify to the correctness of my statement.

as as it was quite inconsistent for me to spare so much time. She abruptly answered "You have already had business enough with Mr. Clay, in stealing negroes. He ought to be in jail himself; and will be arrested before night." I then inquired if I could have the privilege of sending a note to him. Was answered "No." I asked the privilege of sending a note to my school, but was refused. I then told her I had no books with me, and was unimployed: and respectfully asked the loan of a bible. This also was refused, and the door closed before I had time to reply. I knelt down—implored sustaining grace, and thanked God that *even the prisoner*, could not be denied *the right of of prayer*. Ere long the clanking of irons in the yard below, together with the heavy blows of the blacksmith's sledge, roused me from my meditations. It was with difficulty I could keep myself from the window. I however restrained my feelings for some time, till Mr. Fairbank's moving cries for pity, made me regardless of the prohibition, and I looked out. The commingling tones of pleasure and pain, were truly alarming. Mr. F. was being put in irons. The hammering continued: and some seemed moved with pity, while Mr. F. was begging them not to pound so hard. "I tell you," said he," it hurts *too bad! O, dont!!* you know not how it hurts me," &c.

But many seemed to delight in his torture; and declared their wish to have Miss Webster ironed in the same manner.

The process of ironing was long and tedious. After it was over he was again placed in the dungeon, and I turned from my window with a heavy heart. I never knew till now the sufferings of a prisoner. I never knew our laws were so corrupt as to empower a wicked, unfeeling, unprincipled jailer, to exercise a domineering spirit of un-

controlled oppression on a defenceless prisoner. But perhaps I mistake. It may be that our laws invest no such power in the jailer. But what better is it if they suffer the abuse, and take no cognizance of it?

But to return. For a few minutes all was silent; and I availed myself of the quietude to calm my agitated bosom—subdue my indignation, and regain my wonted composure. Suddenly the prison walls resounded with the most execrable oaths, horrid cursings, and awful threats that ever burst from the lips of a demon. It seemed as though the lower regions had all broken loose.

Shocked and trembling, I sprang from my chair, and was advancing to the window, when, recollecting that I was "*not to look out*," I turned the other way. It appeared, from the confusion, that a throng of men had entered the yard and were about venting their odium on some helpless prisoner, in brutal violence. Impelled by my feelings to go to the window, I paused to reflect.

A captive in the power of a heartless jailer, what could I do? I heard the harsh, rude tones of his angry voice below, and knew some one was suffering; but was forbidden to look out. Conscious of the prisoner's duty I struggled to submit. At length, I concluded that I was not bound to obey those having no right to command. I felt that I would be no more culpable for looking out, than is the slave for taking his liberty when he can get it. There was a risk. But I was resolved, while shut out from the world, and its hallowed joys, I would at least, (so long as untrammeled by chains and fetters,) walk about my cloister and make the best of the freedom and scanty privileges of my prison. If this was a violation of jail laws, I often trespassed; but if this *was* no violation, then I am exonerated from disobedience.

The reviling, swearing, and threats continued; mingled with heavy blows, and the cries, and groans, and prayers of the bleeding victim. I advanced coolly, but resolutely to the window; and felt that I was facing an enemy on the field of battle. O, the horrors of the moment! Poor Israel, (the hackman,) was kneeling on the pavement, pleading for his life. He was an old man, a true and faithful servant, an humble christian, and had spent his life in unrequited toil; and now they told him he must die, unless he would admit that he himself had carried off the slaves. He begged for his life. Again and again he protested his innocence; and in the most touching appeals, called on heaven to witness the injustice of his punishment.

He was ordered with a loud voice to take off his shirt; and with every breath, almost, this order was repeated; and each time accompanied with a violent lash over his head or face with a cowhide. Still he dared not take off his shirt. Poor man! He knew too well his skin would come off next. At length his master, standing by, seeing the relentless tyranny, and high toned fury of the whipper, seemed slightly moved with pity; and speaking in a moderate tone, said, "why, then don't you take off your shirt?" At this he instantly obeyed, and the regular whipping commenced.

I resolved to count the blows, knowing that the extent of the law, did not exceed the infliction of thirty-nine lashes, even if the man were actually guilty of the crime alleged against him. The whipper said, the boy must have lied to him; adding that it was impossible for the slaves to escape without assistence; at the same time declaring with a solemn oath, that unless Israel would tell the truth and admit carrying off said negroes, at least, the boy Lewis, he would tear his body in pieces and scatter it over the

pavement. Israel begged for mercy; sometimes crying aloud to be delivered from the torturing lash; at others, his power of utterance seemed gone; and deep and stifled sobs, alone were heard. But enough. The reality mocks my feeble effort to describe, and my heart recoils and sickens at the recollection.

> O! were it not for perfect bliss, where God and angels dwell,
> Seraphs must weep, at scenes like this while devils blush in hell.

None but eye witnesses to these deeds of darkness can realize the depth of cold blooded oppression. With purpose fixed, I gazed in silence on the spectacle before me. My heart was riven, but my cheek was dry. This was no time for tears. Fifty lashes scored the old man's back; and all was darkness—I saw no more. My trembling limbs refused their weight, and I should have sunk to the floor; but raising my hands I grasped the iron bars and kept from falling. This motion drew the attention of some below, and they hastily cried out, "Stop! *Stop!* Miss Webster is looking on! Take him out of sight! Take him to the barn." The order was obeyed and all was once more quiet. The jailer (Mr. Thos. B. Megowan) now entered —angrily closed the window, and withdrew without speaking. Presently a crowd of gentlemen came in, bringing with them my trunks, which they requested me to open. I proffered them the keys, which they refused. No one among them appeared willing to take the responsibility of the search. I placed the keys on one of the trunks, and retired to my chair. At this, the jailor peremptorily told me to *unlock* my trunks, which I did; leaving the lids down. They then inquired if I had letters in my trunks; I answered in the affirmative, and told them which trunk they were in. I was then requested to open it. But answered that it was not locked. They however did not seem satisfied, and I raised the lids. But even *this* was not enough; and

they asked me to take out every thing in them. This, however, I left for them to do. I pointed out to them my letter box, at the same time questioning their authority to examine its contents. Several however surrounded it, and began perusing the letters with a greediness truly amusing.

The search continued a long time. Every box was opened, and every scrip of paper, however small, carefully examined by all who chose to read them.

All this was done, without even hinting to me, the object of the search. When the trunks were exhausted, and the contents scattered over the room, not having found any thing (as they said) to serve their purpose, they next inquired, if these were all the papers in my possession? Being answered, they were "not a hundredth part of them" they requested the key of my room, which I gave them. They devoted some time to the examination of papers in my room—had finished—and were about leaving, after an unsuccessful search, as I was informed, when Mrs. Glass entered, and placed in the hands of the Rev. Mr. Coons, Methodist Minister, some papers which the commonwealth attempted to introduce on my trial; but, which at my request, were examined by the Court, who excluded them, pronouncing that they had "*no bearing on the case.*"

Before noon, Israel was brought back from the barn, and placed in the dungeon; and his persecutors, eager to tell their success, rushed up stairs, saying, "Well, we've got it out of him! Rather than die, he has at last come out and told it! We knew he would. And now Miss Webster, Israel says so and so, and if your statement should correspond with his, you will save Israel's life, and yourself from sixty years in the penitentiary! There is no hope for Fairbank, but no one wishes to imprison you. Neither do

we wish you to stand trial. It is in your power to clear yourself. You can do so as easily as you can turn your hand over; and then you will not be kept here an hour,—but the doors will be opened, and you can return to your school. We are your friends, and unless you take our advice, there is no escape from *sixty*, and perhaps *eighty* years in the penitentiary."

Filled with disgust and indignation, I responded, "Gentlemen, your threats and your promises, are alike unheeded. Though I smile with contempt on your proffered friendship, think not that these things move me. You have lacerated that old man's back, till he is ready to say, yes or no to suit your pleasure. And I wish you distinctly to understand, that whatever assertions he may make, I shall neither admit, or deny. *Thank God I'm not a slave.* I ask no pity. All I want, is the extreme justice of the law. And sooner will I suffer all the tortures of the inquisition, than degrade myself by asking mercy at your hands."

In the course of the day I was placed under four indictments, and Five Thousand Dollar bonds, without any examining Court. I tried in vain to procure counsel. My messages were not delivered. My room remained thronged with persons of every grade, interrogating me on various subjects, till dark; when I was once more left in peace. O, how sweet to be alone, even in prison. The excitement of the day had given me a fine appetite, and the supper bell was grateful to my ears. Presently the servant entered, and I sat down to eat. Seeing a copious supply of meat upon the waiter, I told her to bring me a knife and fork. She started for them, saying "she had placed them on the waiter once, but her master took them off, and told her to let *me eat with my fingers.*" O, very well said I, you need not go for them. I had a good dinner and can dis-

pense with supper. Here, I will drink the milk, and you may take the waiter down.

Thus ended my first day of prison experience. Its fatigues had now ceased, and wearied with its conflicts, I was glad to welcome the hour of sleep. Commending myself to the protection of Him, who "despiseth not his prisoners," I was soon lost in imagery bright and invigorating. The morning broke—I awoke and was refreshed. A good breakfast was brought in, with all the necessary utensils. Before had finished my repast, however, I was exceedingly annoyed by the clanking of irons below; and looked out to see what was the matter. The prisoners were let into the yard to take their breakfast. Mr. Fairbank, and two negroes condemned to be executed, were trying to move about in their irons. O, what a sight! They could scarcely move their feet at all. Mr. F. fell several times, and appeared low spirited and disconsolate. Not having been forbidden to speak I drew his attention to the window, with a view to offer a word of comfort—bade him "Good morning and asked him how he enjoyed his mind." He shook his head when I perceived he was under some restriction; and apologizing, I retired from the window and sought the earliest opportunity to make my humble acknowledgements to the jailer for this intrusion. He seemed exasperated, and declared Fairbank should not go out of his dungeon again, on any occasion; but that he would instantly chain him to the floor. I assured him Mr. Fairbank had not spoken —told him I was the only one to blame, and begged him not to punish another for my offence. He was too angry to be *entirely* dissuaded from his purpose; but for the time, omitted the chaining.

After this, I seldom saw him in the yard, unless taken out to converse with his counsel. He was not chained to

the floor, until a subsequent attempt to break jail, which he told the jailer in my presence, he should never have made, had he not been driven to desperation by inhuman treatment. During this day also, I was continually molested with solicitation to clear myself; but told them inasmuch as I was indicted, I should stand my trial; and it was useless for them to try to dissuade me from my purpose.* They urged me to go immediately to trial that day. I told them I could not go to trial till I had seen an attorney. They insisted upon it, that that would make no difference, because the Court would appoint me counsel. Thus I was harrassed with intruders for two or three days, until Mr. Rhodes (sheriff) was making some inquiries, when I made known to him the impossibility of my obtaining counsel. He instantly volunteered to do me any favor in his power, and said he himself would be the bearer of any message I wished to communicate. (This was the first word of kindness I heard after my capture, except in one instance from Judge Davis.) I hastily despatched Mr. Rhodes with a note to Gen. McCalla the jailer having objected to my sending for Mr. Clay, who very soon returned, bringing the General with him. My embarrassment was now greatly relieved, and I began to hope for better times. O, how consoling is the presence of a friend in the hour of adversity. I was now in circum-

*During this time I had made repeated requests to the jailer, to send for counsel for me, but they had all been disregarded, and no person entered my prison but my enemies. Subsequently too, my friends, with the exception of my counsel, often found great difficulty in obtaining admittance. In one instance a gentleman came several hundred miles and requested admittance, but was denied, because he was a friend to Mr. Fairbank. Casually hearing that he was in the place and having no doubt but that he came to afford assistance I requested permission to see him, but was denied. He was taken out of bed at a dead hour of the night, searched, his diary taken from him, and then ordered to leave immediately; and seeing the danger of a longer stay, he lost no time in returning to a land of freedom.

stances to appreciate the smallest kindness, and flattered myself that the weight of my trials was over ; when, it was announced to me, that the arrangements were all made for my being put in irons, and placed in a cold dungeon, already crowded with black women, where the naked floor was to be my only bed. My counsel expostulated with the jailer, and offered to pay him for the use of the room I was now occupying ; but his purpose was fixed. He then went to his office and was relating the jailer's intention in the presence of a gentleman of high standing and influence from Alabama, together with several others, when the indignant Southerner sprang from his chair, and in the heat of his displeasure, rushed from the office without speaking, and hastened to Judge Buckner, to whom he made known the jailer's determination ; adding, that it was beyond all the bounds of propriety, and an outrage upon humanity ; and he, in permitting such treatment, would disgrace his city. This gentleman, to whose kindness I am so deeply indebted, is a distinguished slave-holder ; and I regret that I have forgotten his name. The Judge hastened to my relief ; and very peremptorily told the jailer, (as I was informed,) that he should permit no such enormity ; but on the contrary, that Miss Webster was to retain the apartment she now occupied, and to be served with all due respect during her custody ; adding, that he should not tolerate any further annoyance from such hordes of unwelcome visitors.

The Judge farther manifested his kindness, by telling me I need not be hurried into trial, during this rage of excitement and prejudice. But might defer it till the following spring term, or, if I chose, he would call a special term of the court for my accommodation. Times now began to brighten.

I employed more counsel, and for a few days enjoyed a good degree of quietude. But all the trying scenes I had passed through, were nothing compared with what I was destined to experience during the remainder of my hundred days in jail. But I forbear to pain the hearts or tax the credulity of my readers with a minute detail. Justice to the jailer requires me to add that, as a general thing I had plenty of food furnished from his own table, three times a day, and for the most part very palatable.

Also a good bed &c. And, though he caused the windows to be screwed down, he protested that he did not do it for the sake of depriving me of air, but because he feared I would have some communication with the other prisoners. He invariably *professed* the warmest friendship for me, and usually treated me personally, with deference and respect. He now has a letter which I wrote him while in his custody, in which I went to the extent of *allowableness*, in acknowledging his favors to me; and also on the same sheet, there is one containing the expression of dissatisfaction at some things that had occurred in my treatment. And I have only to say, that being a *prisoner*, and having suffered in no small degree in a confinement that ran through one hundred and two days, I felt as a *prisoner and wrote as a prisoner*. And designed to do all I consistently could to conciliate the feelings of my persecutors.

I was then disposed to make the *best* of my condition and treatment, and I am not now inclined to make the *worst* of it, since I am delivered. Added to all the discomforts of my prison life, my health began to be seriously impaired from October 28th, and by November 7, I was confined to my bed; and this prostration continued for four weeks, during which time my sufferings were deep, and greatly aggravated by the utter disregard of Mrs. Megowan, to

have the physician's orders attended to. The physician was called for the first time, Nov. 7th, and he continued to visit and prescribe for me until the fever abated.

Most of the time from November 7, to December 5, I was unable to sit up for my bed to be made; but from that date I began to recover, and on the 10th, my Father arrived from Vermont, and on th 11th I sat up through the day. On this theme I could say *much more*, but intend saying as little as may consist with a brief history of the principal facts that attended my imprisonment.

Having been arrested and imprisoned in an excited and unguarded moment, it then became necessary to convict me, lest my enemies should themselves be exposed to the rigors of the law. Various schemes were resorted to, for accomplishing this end; and some of them at the expense of every principle of honesty; among which were the following:

It was ascertained that I intended summoning the ferrymen at Maysville, as witnesses in my behalf; on which my enemies went to see the ferrymen, and on their return, instantly rumored that those men were not only willing but anxious to come and testify *against* me. And that one of them was heard to say, that "Miss Webster herself got out of the hack on the Kentucky side, and offered five dollars to be taken across, and that he would go two hundred miles to be a witness against her." These reports were diligently circulated for facts, and told to my counsel with apparent candor; on which my counsel fearing their testimony might possibly operate against me, hinted to me the danger of procuring them. Still I insisted upon their evidence; knowing if they spoke the truth, that it would be of importance in my defence. My counsel then determined to summon them, but were informed by the other

party that a subpœna had already been executed by the Commonwealth. Of course we had no doubt of their appearance; but they were *not present*, and the sequel proved that my opponents must have known what would be the true character of their testimony, and its weight in my defence.

Another stratagem was resorted to, still more disgraceful. Just upon the eve of my trial, handbills were sent out in every direction, stating that a dreadful affray had just occurred in Georgetown, Ohio, where several Kentuckians had gone to retake their slave property, and meeting with strong opposition from Abolitionists, they had burnt down one house, and hung one of the negroes. And that one or two Kentuckians had been killed, and many more imprisoned by the Abolitionists. That no doubt this bloodshed was the commencement of a civil war, as the Kentuckians were fast gathering to the spot, and the multitude increasing every hour. &c. &c. This appeared just in time to come out, with its comments in the first paper before my trial, for the sole purpose of kindling a still greater excitement, and preventing the possibility of a fair and impartial hearing. This grave statement had the desired effect, its treachery not being detected until the close of my trial, when it was discovered to be a complete fraud—a base and groundless falsehood.

Again, it was expected that the audience would consist principally of ladies, it being generally known that they had made their arrangements to attend. But the day previous to my trial, reports were circulated that the facts developed in evidence would shock the delicacy of females, and that it would be unfit for them to attend. I refer my readers to the testimony itself, for the truth of those reports. The ladies not once surmising the motives of my

enemies, were thus kept away, and not another female entered the Court house during the pendency of my trial, except in two instances, when they were brought in as witnesses.

The following is a letter written in jail, to Richard Buckner, Esq. judge of Fayette Circuit Court, exposing some facts, and giving my views and feelings in relation to them. Some words may differ slightly from that which he has, but generally it is given verbatim.

Lexington Jail, Nov. 23d, 1844.

Judge Buckner, Honored Sir :—

You are doubtless a little surprised to see my name at the bottom of this letter—but let me ask you not to look upon me as an intruder ; but as one, who needs and insists upon your sympathy—your confidence—your friendship and your aid. As one whose whole course of life—whose every action renders her worthy of all she asks. Did I not believe you to be a gentleman of humanity, I would not trouble you with these few lines. But your repeated acts of kindness towards me, (for which you have my warmest thanks,) have convinced me that you are not bereft of the finer feelings of nature—that you love justice, and that you are not pleased that domineering tyranny and oppression should triumph over conscious innocence. Though you have seen me but once, sir ; did not your deep penetration and discernment tell you, *guilt* was a stranger to my heart? The face is the heaven of the soul ; and both Physiognomists and Phrenologists give me the character of being candid, ingenuous, frank, open-hearted and confiding. True it is sir, I am *confiding*, quite too much so ; for I suppose every being on earth my friend. I have no feelings of animosity towards *any* ; and why it is that

some, have centered their hatred on me, is more than I can tell. I have *wronged* no one. I have *injured* no one. I have never in any way, shape or manner *seduced* or *endeavored* to seduce any servant whatsoever to leave his or her master or mistress. Nothing could be farther from my heart.

And I defy any one to bring forward an instance in my whole history that would comport with anything of that character. When I came to this place, it was not with the intention of remaining here more than two weeks. But the Rev. N. H. Hall and many others, were so very urgent that I should take a school, that after repeated refusals, I was at length over-persuaded, and very reluctantly consented to begin. This was one year last summer; since which time I have devoted my constant and untiring labors to my school, till my arrest; with the exception of two weeks respite last spring, when I determined to go home to my friends. I felt that I could be absent from them no longer.

But I found it nearly impossible to withstand the united entreaties of pupils and patrons. I loved my school, and was always passionately fond of teaching. Besides, I had become ardently attached to Kentucky. Its mild and salubrious climate had perfectly restored my health; and I had conceived a high estimation of its inhabitants. (I do not, of course, mean *all*, but those deserving the name of *true Kentuckians*.) Indeed I felt quite at home; and though my trunks were packed, and I was just ready to bid adieu, I was again prevailed upon to desist from my purpose, and go back into my school. You will reproach my want of decision of character. I merit your severest rebuke. Believe it is my most prominent failing, and I am ashamed that I possess one of such magnitude. It has been a matter of deep regret ever since, that I did not return at that

time,—though my school has flourished beyond my most buoyant expectations; yet every letter was filled with anxious entreaties for my speedy return.

My Father's health was delicate; and he knew not how to dispense with my society. My mother's anxiety on my my account, she said exceeded all her other cares, because I was alone among strangers.

I replied to her "that I found many friends and was very happy. That this climate perfectly suited my delicate constitution; and though I did not know whether I could say I was in *the garden of the world*, yet I truly felt that I was in *the Eden of America*." * * * *

Did you ever, my honored sir, in your moments of reflection, take a glance at my real situation? Have you suffered your mind to dwell upon it for a moment in its true light? Did you ever think of me, as away from home--in a land of strangers--defenceless, and unprotected, with none to extend a friendly hand, or breathe a solacing word in the dark hour of adversity; and thus circumstanced, rudely and unceremoniously torn from a flourishing school, one in which I had felt greatly interested—and thus deeply and forever degraded in the eyes of all my patrons and a cherished circle of loved acquaintances; and cruelly locked in here, without the slightest provocation; where it is impossible to get a breath of fresh air, from one month's end to another? This, honored sir, is my real condition. Now do tell me if such treatment be *according to law*.

If so, law and justice differ more widely than I am willing to believe. I have been accustomed to consider the terms as almost synonymous; but how immensely have I mistaken the reality. But I do not, I cannot believe sir, that law had anything to do with my arrest. Some two or three individuals, irritated at the loss of their property,

and not willing to leave one stone unturned, thought, as I was an Eastern person, I might be a suspicious character—and I have since been informed, that in the heat of their excitement they urged my arrest with great impetuosity, and on account of meeting with much opposition, became exceedingly boisterous—and to quiet them, near midnight some gentlemen went after me. Said persons called at my boarding house, and inquired if I was willing to go up to Mr. Megowan's and stay till morning; adding that there was a considerable agitation, which would probably subside the next day; and Mrs. Megowan desired I should come, saying if I would do so, she would give me as good a room as she had in her house, &c.

I told them I was perfectly willing to go, and put on my bonnet at once. I was then asked if I had any objections to my trunks being taken with me. I thought this a very singular request, but immediately replied that I had no objections; and locking them offered them the keys; which were politely refused. They said nothing about the cause or subject of the excitement; but having heard many oaths concerning the loss of the horse, I had no doubt but it arose from their fears that they would not get their pay. Consider my astonishment on being conducted to this room, suddenly to be left alone and hear the key turned upon me. I could scarcely believe my own senses.

"What can all this mean!" I exclaimed. Still, the thought never once entered my mind that I was in jail. For as long as I had been in the place I had no idea in what part of the town the jail was located, never dreaming of its being in any way connected with the "Megowan Hotel."

I however retired, and slept as sweetly as usual, not awaking until a servant entered with my breakfast. I

could not understand why my breakfast should be brought me, and was about saying to her that I was not ill, when she hastened from the room without uttering a word, and relocked the door. I dressed myself, and was conjecturing in my mind whether this were "as good a room as Mrs. Megowan had," when I carelessly drew aside the curtains, and lo! the window was grated the whole length, and my view limited by an enormous wall. I gazed in silent amazement, and thought for an instant it must be the delusion of a dream, from which I should soon awaken. I then went to the other window, which I found grated in the same manner, and opening upon the same huge wall. I then turned my eyes toward the massive lock, such as I had never beheld before; and laughed aloud. I had not laughed before for months, indeed I seldom more than smile; but the novelty of the whole affair produced sensations, such as I never before experienced, and has more than once excited an involuntary laugh. I sat down to my breakfast, thinking it folly to puzzle my brains in trying to unravel what eluded my comprehension; as it was impossible long to be kept in suspense. I was not long in suspense. Loud talking in the yard below with more profanity than I had ever heard before in all my life, drew my attention to the window, where I stood for some time and witnessed a scene which I wish never to see repeated. Soon after a crowd of men entered my room, which continued thronged with persons in the garb of gentlemen, for two or three days before it was possible for me to procure counsel. This was exceedingly unpleasant and annoying, (as many other things have been,) but I was cheerful and happy, and have continued so the whole time since this unfit apartment was made my residence.

Notwithstanding, I have sometimes found it exceedingly

difficult to forbear giving vent to the secret indignation I felt at such abuse; particularly so, during my illness, which, sir, has been very severe. Indeed sir, I can give you no adequate conception how much greater my suffering has been, on account of being here, than it need necessarily have been. I will not pain your heart with the unpleasant recital. Had it not been for this illness, I might have forgotten my wrongs. I might have buried them in oblivion.

But how can I forget the atrocious cruelty and injustice of a confinement that has produced such an amount of suffering? The history of Europe bleeds with suffering innocence. Her tyrants scruple not at injustice and oppression. But no where in the annals of *our* happy nation can be traced such a scene of trials and misfortunes, inflicted on an inoffensive female, without grounds or provocation, by the ruthless hand of strangers. And, for the credit of our glorious Republic, I humbly trust this act may never be recorded. Never did a martyr suffer more unjustly. Had I been surrounded by friends I should never have been molested. But as it is, I am harrassed by persecution, assailed by the tongue of slander, and exposed to the vengeance of those who have it in their power to do me injury. And how have they delighted to exercise that power. I am told I should not ride with a gentlemen unless it be my intention to marry him. And are these the refined notions of society in which I am placed? How different from that to which I have hitherto been accustomed? In our own happy New England, where piety is elevated to its proper standard, and where our institutions are republican, nothing is more customary than for ladies and gentlemen to ride when and where they choose, and no impropriety is attached to the practice.

Now, honered sir, I wish to know whether there is no remedy for such an evil as I have been laboring under for the last two months. In a country like ours, can we never know when we are safe?

Must we be continually liable, in an unsuspecting, unguarded moment, to be seized, either *by*, or without law, and deprived of liberty, that dearest pledge of our existence? And must we take our last farthing honestly earned by unremitting toil, and then borrow from friends, (if so fortunate as to have any,) all they can reasonably spare, to defend our innocence; thus rendering ourselves *slaves for years*, perhaps *for life*, before we can repay the sum so kindly loaned?

And must we quietly and tamely submit to all this, without redress? My dear sir, if this be *law*, it surely is not *justice*. It is further from it, than the north pole from the south, and as much averse to it, as are positive and negative agents in electricty averse to each other. If our laws must sanction or countenance vice, tyranny or oppression, *in any form*, they most certainly need remodeling, till Law and Justice, like twin sisters go hand in hand, trampling on vice *of every name*, reigning thriumphant—resplendant luminaries—stars of the first magnitude in the galaxy of our *then* thrice glorious republic.

Yours very Respectfully,

D. A. WEBSTER.

N. B. As I was imprisoned without law, I see not why, Judge Buckner, it is indispensable that I should go through the ceremony of the law, before I can be released. I have delivered what funds I had into the hands of my counsel, which if my case were dismissed, would bo returned me to bear my expenses home. But if I have their services on a trial, I shall be left pennyless, and obliged to protract my

stay till money can be sent me, which will make it several weeks later in the season; of course very unpleasant travelling. If you will feel yourself interested in my case, and see if something cannot be done in my behalf, you will confer a favor for which I will return you my "warmest thanks, and still warmer gratitude." If nothing can be done without a trial, your Honor will highly oblige me by granting a trial as speedily as possible.

Pardon me if I have tired your patience with the length of my epistle. I write in bed, not yet being able to sit up.

Yours, &c. D. A. W.

In reply to the foregoing letter in which I asked either a dismissal of the indictments, or a speedy trial, the Judge answered through my counsel "that it was not in his power to *dismiss* my case, but he would grant me a trial the following day if I desired it." Having previously heard that the Commonwealth's Attorney was in readiness, and was leaving it with me to select the day, I sent to apprise him that the time was fixed, &c. When he returned answer, tha the "could not be ready before the 17th of December," about three weeks distant. I was somewhat impatient with this delay, and the Judge said he would reduce my bonds if I wished to give bail. This impatience however, was not the result of more physical suffering in jail. One of my attorneys, Gen. McCalla, who had been unremitting in his kind attentions, and untiring in investigating the facts in my case, must necessarily leave the following week, to transact important business in Washington city. And the time of his return being quite uncertain, I felt anxious to secure a trial before his departure. Of course I was utterly unprepared for this defeat in my expectations; and

under these circumstances I addressed the following letter to Madison C. Johnson, Esq.

Lexington Jail, Dec. 2nd, '44.

MR. JOHNSON—

Sir: After some hesitancy and at the expense of much natural pride of heart, and delicacy of feeling, I take the liberty to address you, on a point of almost infinite importance, both to myself and friends.

One of my attorneys, Gen. McCalla, has retired from my case, in consequence of being *obliged to leave* for Washington city; and knowing my wish for a *speedy trial* at which it would be *impossible* for him to be present. Consequently, I wish to get some additional Counsel with Messrs. Combs and Shy, and am recommended to you, as a first-rate lawyer of the highest standing; and to your partner also, as a fine jury-lawyer. Will you, sir, have the kindness to call and see me? First, however, I must tell you, *my means are limited.* But the gentleman who recommends you assures me that *the want of means*, will not prevent your appearance. *This*, together with the high estimation I had *previously* conceived of your liberality of sentiment encourages me to ask your aid, in an hour when fortune frowns, and the skies of adversity are black with impending clouds, threatening the subversion of justice in the case of an inoffensive and helpless captive.

Instead of being arrested by *law*, I was taken by stratagem, on pretence of being detained but a few hours. Placing all confidence in my deceivers, I had not the least suspicion of being conducted to a *jail*, and was subtilely and feloniously decoyed away from a large and flourishing school to which I had become ardently attached—away from the sweets of liberty, and shut in here, for an uncer-

tain period, deprived of all those hallowed pleasures which a lover of nature ever derives from beholding her charms. Yea, more; I am even forbidden a share in that gift, which of all others, Heaven has most bountifully, and with an unsparing hand bestowed upon all mankind,—pure and invigorating atmospheric air. Never, since the creation of the world, not even for one moment, has He this blessing withheld from man. Nor is there a spot on the face of our earth, that is not fanned by the breezes of heaven; which plainly indicates that God intended *all* his creatures to share freely in that gift so indispensable to health and happiness.

Here, too, the varied beauties of the horizon,—the blushes of the morning, the radiant clouds of twilight, the rising or the setting sun, never smile upon my casement.

I need not tax your patience by enumerating the thousand privations to which I am subjected. But, conscious of innocence, and with a heart free from guile, I take the liberty to say, my imprisonment is an act of cruelty, injustice, and oppression, without a parrallel this side the broad Atlantic. I cannot comprehend why it is, I should be *so persecuted* by this most worthy Commonwealth. I have done nothing—I have said nothing to merit the animosity or displeasure of this community. I do not deserve to have a fellow being for my enemy. Friendly to all, I have a *right* to expect good feeling in return. But alas! *How often* in this world are *our rights trampled upon by a "little brief authority."*

My support and confidence is not in the breath of *witnesses*, but in the stubbornness of *Truth*. But though my character is as far above suspicion as the skies above the pavement, I know too well that innocence is often doomed to suffer; and I appeal to you, sir, for protection in this

trying hour. The bare possibility of being consigned to any *farther* suffering, is enough to fill the mind with horror. There is something so forbidding in the idea, that my whole soul shrinks from what seems too much for feeble nature to sustain.

The present, sir, is a time of moment. A time of the most thrilling interest. *My liberty* (and no doubt *my life*) seems suspended by a single thread. The happiness of my dearly beloved friends is at stake. Will you, sir, interpose and save a fellow being from unmerited disgrace and degredation. Please bear in mind that I am far from home and friends—from my native soil—an unprotected female in barbarous hands; and for nine long weeks have yielded in quiet submission to their unfeeling abuse.

His Worthy Dignity, the Hon. A. H. Robertson has been pleased to fix my trial on my "birth-day." This casual circumstance, will render the occasion to me, doubly interesting. But if I can have the aid and protection of yourself and partner, together with my present much esteemed Counsel, I shall consider myself highly favored, and feel, both happy and secure. It is most fortunate indeed for me, and I trust I am not unthankful, that my cause is to be judged by one who is not incapable of appreciating its merits.

My heart is full, but I fear I have already said too much. I presume on your kindness Mr. Johnson, to excuse this intrusion. Very Respectfully, Yours,

D. A. WEBSTER.

On the reception of the above letter Mr. Johnson returned answer that himself and partner would most cheerfully appear in my defence. His partner, (Mr. Robinson,) however, was prevented being present through serious illness.

TRIAL.

The assistant prosecutor having expressed some dissatisfaction with the indictments proffered against me, in which I was charged as accessory, a meeting was called to indict me over again, at which a new set of indictments were framed, in which I was presented as principal. The last set of Indictments I have never seen.*

On the 17th, my trial commenced at 10 o'clock, A. M. My Counsel were Messrs. Combs, Shy, & M. C. Johnson, Esqrs. Scarcely was I seated, ere Mr. Fairbank was brought into Court to be tried with me. I objected to this move, fearing the prejudice that existed against *him* would impair *my* case. Beside this, the testimony in his case was of an entirely different character from that in mine. And I felt that I would rather go back into jail, and remain there till spring, than be tried in connection with him. There was great anxiety on the part of the commonwealth, to try the cases together; and after argument, fearing that it would be decided against me, I made out an affidavit, stating my conviction that I could not have a fair trial, &c. in connection with Mr. Fairbank, and respectfully asked a separate hearing. My request was granted, and Mr. Fairbank was remanded to jail.

The empanneling of the Jury immediately commenced. Twelve men were brought forward, and all rejected. Twelve more were examined and rejected. Others were

*By what process a revised set of indictments were made out against me, was unknown to me then, and remains the same to this day.

brought, and the examination continued three hours, and adjourned at 1 o'clock, with only one juryman. At half past 1 P. M. we met again, and the examination was carried on through the whole afternoon; during which time, by being a little less particular, we accepted eleven more; and adjourned to 10 o'clock the following day.

The examination of witnesses now commenced, and continued till night, with the exception of half an hour of recess for dinner. Next morning we assembled at 9 o'clock and the examination was carried on, together with intermediate remarks, till dark.

Considerable portions of the time each day of my trial were employed in argument by Counsel on both sides. During the proceedings of the Court, the Counsel for the Commonwealth, had several times urged as testimony against me, certain papers, said to have been found in my trunks, and also, a letter found upon the person of Mr. Fairbank at the time of his arrest, signed Frater, supposed to be written to a gentleman in Ohio. These papers were objected to by my Counsel, and the Judge ruled them out of Court, until the fourth day, when to our surprise, he admitted the letter of Frater which follows the evidence.

This letter referred to, which had no other signature but that of "*Frater*," and upon which much has been said, purported to be written to a gentleman in Ohio, and contained an allusion to a "Miss W." I heard during my confinement in jail, of the existence of a letter which had been found in the possession of Mr. Fairbank, but knew not its contents, until a few days before my trial, when Mr. Shy, one of my Counsel brought me a copy of it. Of its *existance* I remained ignorant only from mere heresay in jail, until the time when Mr. Shy brought it me. The ground taken by the Court, and Counsel for the defendant, was, that what

ever the contents of the letter might be, unless a prior conspiracy could be proved between myself and Fairbank, the letter could not be admitted as testimony.

One of the prosecuting attorneys urged the admission of the letter, and with much warmth, declared that unless it *were* admitted, he could not argue the case, as there was not *ground* for argument. Immediately after my trial, Mr. Fairbank made affidavit, that I was ignorant of the existence and contents of the letter.

I here give a copy of the indictment made out against me in the first instance, and I was informed by my Counsel, that the only difference between *this*, and the *second* one, already referred to, was, that in the last, I was indicted as *principal*, whereas in the first I was an "accessory."

Following the indictment is all the testimony which was introduced on my trial, a copy of which is now in the possession of Governor Owsley, and was approved of by the attornies for the Commonwealth, and certified by Judge Buckner.

INDICTMENT.

Commonwealth of Kentucky, } Sct.
Fayette County and Circuit, }

The Grand Jurors of the Commonwealth of Kentucky, empanneled and sworn to inquire in and for the body of Fayette County, in the name, and by the authority of the commonwealth of Kentucky, upon their oaths present, that on the twentieth day of September, in the year of our Lord eighteen hundred forty four, in the County and Circuit aforesaid, Calvin Fairbank late of Fayette County, laborer, one slave Lewis then and there being the property and in the possession of one Thomas Grant, did wilfully and feloniously entice and seduce to leave his said owner, and to

escape to parts beyond the limits of this State, viz, to Ohio. He the said Calvin then and there having no lawful title or color of claim to said Lewis, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the Commonwealth of Kentucky.

And the Jurors aforesaid, upon their oath aforesaid do further present, that Delia A. Webster, late of Fayette County, spinster, before the committing of the felony aforesaid, to wit, on the nineteenth day of September, in the year aforesaid, in the County aforesaid, did knowingly and feloniously incite, move, aid, abet, counsel, and command the said Calvin Fairbank to do and commit the felony aforesaid, in the manner and form aforesaid, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the Commonwealth of Kentucky. A. H. ROBERTSON, C. A.

Commonwealth against Calvin Fairbank and Delia A. Webster, inciting Lewis to leave the State.

A True Bill.

THOMAS H. WATERS, Foreman.

Returned 1st October, 1844.

Commonwealth of Ky. *vs.* Delia A. Webster, of Vt. } Indictment for aiding Lewis to escape, &c.

EVIDENCE.

Thos. Grant--States that; Lewis has gone away, and I do not recollect the day precisely that he left. Mr. Baxter and myself own him. He left on Saturday after the races at Lexington; I have not heard from him or where he is, since he left. I talked with Miss Webster in relation to him and the other negroes, and she denied that she had anything to do with them, and said she knew nothing about

them ; I don't recollect of her admitting she had crossed the river.

Mr. Music --I saw Fairbank and Miss Webster at my house in Washington, on Sunday night ; they got to my house about 12 o'clock, and stayed until day, and then left. They did not retire that night. I sat in the room with them till morning. I saw the same hack going towards Maysville on Sunday ; it passed in the morning about 10 o'clock, or in the evening about 3 o'clock--I don't recollect which ; I did not see the persons in the hack when it passed on Sunday ; the day was inclement and the curtains were down ; I conversed with them in relation to runaway matches ; the drift of our conversation was about marriage. They did not say they *were* married, or *were not* married, but I inferred they were ; they did not say they had been into Ohio. *One* of the horses on the return appeared *fatigued*, but the *other* did not.

Mrs. Glass.--Fairbank and Miss Webster boarded at my house ; she was boarding there at the time of her arrest ; Fairbank boarded there about three weeks in all. I don't know that they were acquainted previous to Fairbank's coming there. I heard her say they were not ; but that he knew some of her friends and relatives. She left my house in company with F. on Saturday evening and said she was going to Versailles and invited my daughter to accompany her. She returned to my house before arrested. She told me after her return, that she had been near Maysville ; she also said after she got into the hack that Fairbank requested her to go with him to assist a runaway match. They appeared to have private chats. Miss Webster requested me to let Fairbank board at my house. They did not take away any trunks from my house ; I did not see any negroes about my house just before she was

arrested; her room was not opened at all during her absence; the letters were found after her arrest; I asked her the names of the persons who went to get married, and she said she was not at liberty to tell; she said when she left, she would be back by 8 or 9 o'clock on Monday morning, and requested me to detain her pupils; I took the letters from her trunk, but it was not locked, the lid was open. There were two trunks taken away by Mr. Dowdan and others at the same time of her arrest. Before Miss Webster's return from the ride I opened her door with another key, and myself and daughter went into her room. (Mark the contradiction.) She *did not* take walks with Fairbank.

Mr. Glass—I saw Miss Webster and Fairbank meet and they met as strangers. He said he wished to talk with her and they went into another room; I think a bed room; I do not think it was the sitting-room *then* but it is *now*. My wife will know, and if she says it was the sitting-room then I will confess that I am mistaken. I never saw Miss Webster talk with or speak to a slave.

Mrs. Glass, (introduced by defendant,) states, the room in which Miss Webster talked with Fairbank was the parlor, and not a bed-room; it was the same room in which I always receive company.

Parker Craig—Fairbank hired a hack from me on the 28th September, on Saturday, and he stated to me that he wanted the hack to go to Maysville; he said a lady was going in it from Mr. Glass'; on Monday Bain and myself went to Paris, and we met the hack a short distance the other side of Paris; I saw one of the horses in the hack was not mine; mine I understood from them died, and they promised to pay for him; when we got to Paris, I asked Fairbank why he went off with this lady to get mar-

ried, and he said he did not, but went off with two others from near Paris; the horse they had in the hack, they stated came from Washington.

Patterson Bain—Harriet is the wife of Lewis and I missed her on Sunday; I have not heard from her since; I employed some gentlemen, Mr. McLaughlin and Wood to go and look for her.

B. Wood—I was employed to go to Ohio, and look for the slaves Lewis, Harriet and Jo, and saw nothing of them. I talked with Miss Webster, and she denied knowing anything about where they were.

Postlethwaite—Lewis was living at Mr. Brennan's at the time he left; he left on Saturday evening about 7 o'clock; Brennan hired him by the month, and his time expired the day after he left; the letter now shown to me was brought to the tavern to me; I did not take it from the office myself. (Said letter now offered by Commonwealth. Long remarks on both sides. *Letter rejected.*)

Megowan—I was present when Fairbank came to jail, and found a letter on his person, to wit: the letter signed "*Frater*" &c. I know Fairbank's hand-writing, for I have seen him write in jail, and I think this letter is in his hand-writing. (This letter was objected to, and rejected, after argument.) Fairbank came in the hack with Miss Webster; He was taken out and placed in the cell.

Smith—I delivered a letter to Miss Webster, and think this (Brown's) is the same; I got the letter from a young man in Ohio, in a book store, in Oberlin. (Brown's letter offered by Commonwealth, and *rejected.*)

Coons—The letters now shown to me were *first* placed in *my* hands by *Mrs. Glass*, at her house; I saw Miss Webster, and she admitted the reception of Brown's letter, and said she intended showing it to Mrs. Glass, but failed;

she denied having any thing to do with the escape of the negroes, and also that she knew any thing about it.--(Letters referred to here, *rejected*. Long remarks from Mr. Pindle, on the side of Commonwealth, in favor of the introduction of said letters. Still *rejected*.)

Elden--I saw a negro man take a negro boy out of a window at Mr. Bains, on the night the negroes left; I did not see any carriage at that time about the place.

Thos. Gibbons—The night the negroes were said to have left was an inclement night; my daughter stepped out and took toll from a carriage that passed through pretty fast; this was about eight or nine o'clock at night; and about eleven o'clock at night, I heard another hack pass through very fast, and this hack did not stop to pay toll; I thought the last hack went the fastest.

Mr. Warnock—Fairbank left two large trunks at the Dudly House some three or four days before he took them away, and said he thought he would come and board there; the trunks were taken away on Saturday afternoon; but what hour I don't recollect.

John Keiser--I saw Fairbank and Miss Webster at the Lunatic Asylum on Saturday evening about 6 o'clock; I don't know their object of visit; there was no baggage on the hack; they stayed about half an hour they knew no one there; there are about 180 persons there.

P. Craig--(Called again by Commonwealth;) I know the track of my hack. I saw the track of the hack at Bain's and thought it was mine; my hack is new and the only new one in town; there are many hacks and carriages in town and also in the country; the races were that week.

Jno. Keiser—(Called a second time by Commonwealth.) Had talked with Miss Webster in jail and she said there

were persons got in the hack between this place and Paris.

H. B. Franklin—States that he was present in jail when Cunningham was talking with Miss Webster, and heard her say in response to his questions, that three persons got into the hack between this and Paris—a man, woman, and child; but they were all white persons. She also said she had left about 5 o'clock in the evening, and intended to go to Versailles, but changed her intention upon the request of Fairbank. She denied that any negroes were in the hack, and said they were all white persons. She also said the hack was driving fast near Mayslick, and Fairbank asked the driver why he was driving *so fast?* and Israel said he was trying to overtake a *buggy* just before.

La daman.—I saw Miss Webster talking with my negro girl in relation to getting some flowers, and I was called and let her have them.

Mr. P. Bain.—(Called a second time by Commonwealth) and said he saw a hack-track near my house on the next morning. It turned near my house, and was tracked, &c.

Mr. McGinnis.—I recollect selling to Miss Webster, some two weeks before the arrest, letter paper with the likeness of Henry Clay upon it; but we sold the same to every person that called for it, strangers as well as acquaintances.

Mrs Bain.—The negro woman that left, had two trunks, a small one and a large one; and these trunks are gone.

Mr Music.—(Called a second time by Commonwealth) and states that the ferryman's name was Helm, and the subpœna was executed, &c.

Smedley—States that Fairbank was at his house some fourteen days before he was arrested, and stayed a short time, from 12 to 3 o'clock in the day, and he started to-

ward Maysville, and in a day or so came back on his way toward Lexington.

Cunningham, (introduced by defendant,) states that he was talking with Miss Webster soon after her arrest, and Mr. Franklin was also there. She denied that any negroes got into the hack. She said she knew nothing of their escaping, and if Fairbank was guilty, he had imposed upon her. She also stated that she thought she was going to Versailles, and had been decoyed on by Fairbank, on missions of business in preaching, &c.

The above is substantially the evidence—a true copy of which is now on file at the Secretary of State's office at Frankfort, certified to be correct by the the Judge of the Fayette Circuit Court.

The letter found on the person of Fairbank was again offered and pressed upon the Court, and the same was objected to, but the objection was overruled, and said letter was then read to the Jury.

The following is a true copy of the "*Frater*" letter, found on the person of Fairbank:

LEXINGTON, Sept. 24, '44.

DEAR SIR,—I suppose the time has now come, when it becomes necessary for me to call forth all the useful, active faculties of my scanty mind. For a long time, you know the relief of some certain human beings has rested upon my mind, and while there, perhaps, none the less on your's than mine; yet I now seem to be placed in different relations than then. Then we were all anxious to accomplish certain ends, which seemed would result in much gratification to one whom we pitied and with whom we sympathized, though anticipating, yet not assured of the facts in his case as they are. You well know, that I, before I left,

expressed some doubt as to his honesty, inasmuch as the facts stood out so plainly before us—facts plain and palpable of the uncertainty of the state of things as represented by him. I am here, and have been for some time searching diligently, leaving nothing undone that should be done, so far as the success in this case might be concerned.

I have been to Mr. Smith, with whom G. B. said he left money, and obtained his certificate that no money was ever left with him—neither knows he aught of any. Gibson said also that he had two hundred and eighty dollars in the hands of his uncle Jack Welch—that I have tried to get, but I find it impossible to get any there, because, in the first place, I dare not say to the old lady, and, in the second place, she knows nothing of it, she says to me; and in the third place, I cannot see the old man, for he has been dead more than three months; and in the fourth place, and the worst, most hopeless, most aggravating, the unkindest cut of all, he never let him have any, in my opinion. Not the unkindest cut because I do not find the money, but because he said that I could find it, when he knew full well he lied.

Now here I am—here is his wife. I have spent my money searching for his and his wife. I am now living upon the money of one Lewis, whom, in consequence of this failure, I intend to fetch with me, likewise his wife and child—a very active man, worth ten of Berry. Now, whether I shall bring his wife, is doubtful. I have no money: Lewis has not much more than enough to carry him out clear. Although I have agreed upon the place at which to meet her, and at what time, to wit, next Saturday evening at some place, yet, after all, I know not as we shall be able to fetch her out, for these reasons: First, no money—second, Lewis' wife says she dare not trust to

such a set of fellows; for one Alfred has learned something of it, and is not very cautious, and she fears that if she comes away, Cox, the negro-driver, being a very sharp man, will follow, and when we come to take her in, we shall all be taken in. Now, on the one hand, I see the anxious expectations of you all there—while that miserable *rat*, will be in despair. I look at my project as failed. I look at their disappointment, when perhaps they think I can make money here, pick it from the trees, or bring her without any money; and, on the other, I see the hazard, but no money. Now if we fetch her, it will be by jeopardizing all our liberties, and perhaps our lives; for if we are to meet her several miles from this place, and if they follow, we shall all be taken. We hate to leave her behind: we hate to be endangered: this is true—you may give up the idea of Berry's wife; but I shall bring out three, the father and mother and son, or I am a state prisoner.—There is the darkest cloud I ever saw, rising higher and nearer, while it seems to threaten me at sometimes with utter destruction, and at others seeming quite pleasant and favorable. I look on my future prospects and my duty. I look at the worth of my time and life. I look at its worthlessness if caught; if killed, much more so. Friend, I shall meet it!! Something will be the result next Sabbath! Seven, yea, five days, and I shall know, and you, as soon as these can reach you. Miss W. will not come away, but will come across the river with us; then I shall have to put these on the *daily* or underground line and send them on, till I go back with Miss W.

I must go back with her, because the people will suppose us to have gone riding, or rather to spend the Sabbath in another place, and it would create suspicion if I were not to return with her. Then I shall have to go to Cincinnati

after the trunks which we thought best to send that way by the stage, so as to lighten our load. We sent them by Cincinnati, because there is no convenient place else to which the stage goes directly, nor would any other be safe. If I come out *clear* in this attempt, I shall *hinmer son nu* as soon as I can——————————————————————

Now, Brethren, while I write, I cannot paint on this paper the feelings of my heart and the workings of my mind, more than to express in manuscript in the English language what I feel; but you that have had cause to feel in consequence of the dark forebodings that *hang* over your minds, when intellectually you saw the cloud hanging over you, you know how to tremble with me. I do not tremble because I am conscious of guilt in this; for I am not. I do not tremble because I have not moral courage. I do not tremble because I cannot succeed, if a possibility remains, for I can; but I do tremble when I see man stand forth in so many *bodies* and physically defy God and challenge the rescue of a soul from bondage upon the peril of his life. I think of my long conviction of duty and the probability of being deprived the privilege of its *execution*, which would shut me out from my earthly *pleasure* by exposing myself to the barbarous laws of this State, or the "Lynch law," which might pierce my heart with a leaden bullet and prostrate me in death. Either would probably shut me out from society on earth for ten years, but the latter forever. Sweet as life is, I wish not to expose myself to death, when the undertaking for which I expose myself is less of value than my own life; and if they be more, I shall not be justified in undertaking without the probability of escape. I finally reduced it to this proposition: It is my duty, not forbidden me, to undertake, when the probabilities of success and worth of the enterprize will not overbalance the

value of me, or when the probabilities of success and value of the enterprize will not outnumber the worth of myself. I have been cautious in this matter. I am taking up my board with the same family with whom Miss W. boards, and in whose house she teaches; no such apprehensions have as yet been entertained of me or her. I have been taken up twice, but not here—once by a slave-driver when I was making some discoveries, but I pulled the wool over his eyes without telling a lie; and once at Ripley, by the Abolitionists, who suspected me as a spy from Kentucky. Some wild fellows were going to egg me, but were prevented by the————————but they will help me when they see me come with the trophies of victory; so they say. I partially convinced them of my honesty.—So, farewll, brother.

Your brother in Christ, and in this cause,

"FRATER."

The fourth day, till late in the evening, was consumed with the pleas, which were very able and eloquent on both sides, and listened to with much interest and decorum by Judge, Jury and citizens.

Samuel Shy, Esq., opened the argument with an address, deep, impressive, and full of feeling. Madison C. Johnson, Esq., whose powers of mind are of no common order, made the second, profound, disinterested and noble plea for defendant, followed by A. H. Robertson, Esq., whose eloquent appeal for the Commonwealth, would do credit to the greatest talents. Gen. Leslie Combs next addressed the Jury. His character as a true patriot and philanthropist is too well known to need comment. The natural dictates of his superior mind—the generous effusions of his warm heart, aided by the solemnity of the twilight hour, seemed to open the channel of feeling, and brought

tears from the eyes of many of his auditors. The exercises of the day closed with a glowing speech from Richard Pindell, Esq., who contended so ably for Kentucky, that I could hardly suppress the rising wish that he, too, had been employed for defendant. Mr. Pindell is a gentleman of influence, and well skilled in law; and all present, must have seen the power of his oratory over the Judge and Jury. His every breath seemed to inspire them with his own sedulous care for the safety of the Commonwealth.

The case was now given to the Jury, who retired, taking the "*Frater*" letter with them, which letter the Court expressly instructed them they were to pay no attention to, unless they should previously decide from the testimony of witnesses, that there was a conspiracy between Miss Webster and Fairbank; as there was no law which would permit a letter found on the person of Fairbank, and supposed to be written by him to a third person, to be introduced as evidence against me, unless it could be shown that I had dictated or sanctioned said letter. The Jury now retired, but soon returned, requesting a longer time for deliberation. And the Court adjourned till 9 or 10 o'clock the next day; when the Jury, after having remained together all night, returned, with the question, "whether they could render a verdict, when the time specifying the offence in the indictment, was some eight or nine days prior to the commission of the felony?" This point was ruled against me; and the Jury once more retired. Before long they returned with a verdict of "GUILTY"—fixing my time at two years in the Penitentiary; at the same time presenting me a letter written in the Jury-room, and signed by the twelve Jurors, addressed to His Excellency William Owsly, praying him to interpose his executive power in

my behalf, and grant an immediate pardon, before the sentence should be pronounced.*

I of course was not pleased with the verdict, as may be seen by the following extract from a letter to one of my attorneys:

"The more I dwell upon that inhuman and unjust verdict, the more unreconciled I am. You well know before my trial, I had no concern. I was opposed to giving bail, and anxious to await the extreme justice of the law. I felt sure that I could bear anything that a Jury of twelve respectable Kentuckians could bring against me. I was anxious to hasten the trial, and felt perfectly willing to throw myself into their hands, fearless of the issue. But alas! how am I deceived! I was so sanguine, so confident of an acquittal, that I find I was wholly unprepared for the horrors of their cruel verdict. I will not attempt to clothe in language, my agony of soul. It mocks description. Had it fallen like a death-knell on my ear, I could have borne it. But no! It was the knell of departed Liberty. Strong and varied emotions conspire to swell my heart with grief and indignation. I have tried in vain to compose my feelings. Perhaps you will say I ought to be more resigned to my lot; but, sir, *if I ought*, I am not. I find from bitter

* I, Benajah Webster, father of Delia A. Webster, do hereby state, that during the trial of my daughter, the Jurymen who were trying the case, or the principal portion of them, boarded at the Megowan Hotel, where I was myself boarding at the time. And that during the pendency of the trial, *and even after the case was given them*, they were in the house mixing with the company indiscriminately, as far as I could discover, and took their meals at the public tables as other boarders did; there being about one hundred regular boarders in the house. This, to me, appeared the more extraordinary, contrasted with the strictness of law and usage of Courts in my own State, even when mere property questions are litigated. The public will judge of the ground for alarm I felt at this, to me, unheard-of procedure.

B. WEBSTER.

Ferrisburgh, Addison Co. Vt., April 9, 1845.

experience, it is much easier to *talk* about resignation, than at all times to *possess* that meek and submissive spirit.

"Did I believe (as perhaps many do) that it was an unchanging decree of an Overruling Providence,—the good will and pleasure of a Gracious God, that I should be banished from the world—discarded from human society, thrown among fiends (fit residents only for the regions of darkness) and my name consigned to endless infamy,—if I believed this, though I might not feel *resigned*, I at least would not *complain*. But, sir, I believe no such thing. I cannot think a just God, who knows my heart—who penetrates the inmost recesses of my soul, and reads all my thoughts,—who scans, with an impartial eye, the minutest actions of my life, and notices even the fall of a sparrow, can look unmoved upon these proceedings. I believe His frown is upon this verdict.

"For three long months I have been confined in jail to await, not the justice of the law, but a sentence to the penitentiary,—not to be proven guilty, and convicted upon evidence, but to be tossed about upon the prejudices of an excited community and misguided Commonwealth. * * *

"Now, sir, has all been done that can be done? Must I be driven to that last, most mortifying resort of all, to ask a pardon of the Governor for an offence which I never committed? I owe my warmest thanks to that highly respected jury for their own voluntary appeal to his Excellency in my behalf; but is this the only alternative? And are you willing to admit that our laws are so defective that while they punish the guilty they have not the power to acquit the innocent? But enough. You ask if I am reconciled? I answer, *No!* but the verdict is rendered, and with the most implicit confidence I throw myself into the hands of my Counsel, nor shall a murmur escape my lips.

Cease to do, or continue to act, as you shall deem most fit at this awful crisis. But whatever course your judgment dictates, remember you are engaged in a worthy cause.—You are defending one who aims to regulate her whole conduct,—her heart—her affections—and her sympathies, by the laws of God and humanity,--and who has never violated the laws of her country.

"With the highest respect,

"Your afflicted Client."

Having been tried on only one indictment, I thought it would be hard indeed, after spending two years in the penitentiary, to be brought out then, and tried on the *other* indictments, at which time my witnesses might be in foreign lands, if not in the world of spirits. I therefore determined to move for a new trial; for I had no idea of petitioning for a pardon, and was strongly opposed to the letter of the Jury being sent to the Governor. But my father and my Counsel thought it more advisable to forward the letter of the Jurors to his Excellency, together with the evidence, and desire him to examine the law on some controverted points, particularly in reference to the introduction of the "Frater" letter. I at last yielded; and, after much persuasion, consented to enclose *my* petition with the testimony, together with letters from my Counsel, the Jury, Hon. Henry Clay, and Doct. Fishback, praying an immediate pardon. Some few other letters in reference to character, &c., from Gov. Slade and Hon. Samuel S. Phelps, were also taken to his Excellency. This work is quite too limited to admit of giving the letters of all these gentlemen, and I will only append my own, of which the following is a copy, *verbatim:*

To His Excellency, William Owsley,
Governor of the State of Kentucky:

Your petitioner, Delia A. Webster, would represent, that she has been indicted in the County of Fayette, for aiding negroes to escape to Ohio, and has been tried and found guilty; and her punishment fixed at two years in the penitentiary of your State. Although it is humiliating and mortifying in the highest degree to the feelings of your petitioner to have such a verdict rendered against her, and much more so for her to be compelled to ask a pardon, for an offence of which she is not guilty, yet notwithstanding her feelings revolt in asking a pardon, she supposes she must, from *necessity*, ask it. Therefore, will you look at the evidence in her case, and extend to her such clemency as her case will *justify*, and her condition and sex merit. Let your petitioner add that she is not guilty of the crime imputed to her, yet if still she is to be condemned, she has a clear and easy conscience.

DELIA A. WEBSTER.

The same morning, a remonstranne was taken to him, signed by one hundred and twenty citizens. The following is a copy:

"REMONSTRANCE.

"We, the undersigned, citizens of Fayette County, having learned that an application has been made to the Governor to pardon Delia A. Webster, lately convicted on a charge of having aided slaves to escape to Ohio, beg leave respectfully to remonstrate against a pardon; and hereby express to the Governor our conviction that the law should be permitted, in this case, to take its regular course."

Whether the Governor expressed any particular reason for withholding a pardon, I have never learned; but he is

a very discreet and prudent man, and I suppose thought it would neither be safe or judicious to act hastily on a subject that was said to be of so great importance to the best interests of the Commonwealth—particularly in a time of unparalleled public excitement. I was informed that he refused to examine the law points on the admissibility of evidence, lest he should be thought interfering with the judiciary.

It was now time to move for a new trial; and my Counsel sent for the affidavits of competent witnesses, some of which, together with my own, I now lay before the public.

GROUNDS FOR A NEW TRIAL.

COMMONWEALTH *vs.* D. A. WEBSTER.

The Defendant asks for a New Trial on the following grounds, to wit:

1st. Surprise, as set forth in Affidavit.

2d. The Verdict is contrary to Law and Evidence.

3d. The discovery of new and important Testimony.

4th. The Court misinstructed the Jury.

5th. The Court permitted improper Evidence to go to the Jury. COMBS & SHY, &c., for Def't.

A true copy. Attest, THO. S. REDD.

Delia A. Webster affirms that she desired her Counsel to introduce Calvin Fairbank as a witness in her behalf, and her Counsel refused on the ground that said Fairbank might possibly deny writing the letter found upon his person; and he said if he did deny it, then it would cause the introduction of various witnesses tending to show that he did write it; and then the case of your affiant would be made more desperate than what it was. She thought, and always be-

lieved, that Fairbank was not the real author of the letter; and if he was the author of it, she wished him to explain how it was and why it was he had used the initial of the name of your affiant in said letter, as it was used. It was used without her knowledge, and the author of it will be compelled to swear it, let him be who he may.—True she never believed Fairbank was the author of it, yet if he was, she knows he can explain it, and that explanation she wants upon her trial; whichwill be that she knew nothing about it. She can also prove by John Mitchell, James Marvin, and Joseph H. Stayton, the facts as set forth in their respective affidavits, and all of which she considers of importance in her case. These persons reside in Ohio, but she understands from her father they are willing to come and testify. When she came to Court for trial, she inquired of Saml. Shy,her Counsel,if the ferryman was in attendance, and he answered he was not. She then told him the ferryman ought to be here, for she verily believed (notwithstanding the rumors she had heard that he had said he would go two hundred miles to *witness* against her, and that she herself got out of the hack at the ferry, and offered $5,00 to be taken across, &c. &c.) notwithstanding these reports, she felt quite confident that he would testify, if here, to the facts as they really existed. Mr. Shy replied, that he understood the ferryman was expected to arrive during the trial, and she then went to trial, and he never came. The witness John Mitchell she did not know of until his affidavit was procured, although she knew the facts exist as stated by him and she expected to prove substantially the same by the ferryman. She intends to use Fairbank as a witness and the above facts when sworn to by said witnesses will give force and effect to the evidence of Fairbank. She also states that she lay sick

in bed during a great part of her confinement, and thought it very doubtful whether she would live to see the day of her trial and during that time she made no disclosures to her Counsel of the facts in her case, and it was not until some few days before her trial, that she told him much in relation to it. It was then too late to solicit witnesses to come from Ohio and she could not at the time conceive of their importance tho' she sees the importance of them now. She always told her Counsel that she was ready for trial and when she saw him hesitate, she thought it strange and said she could not comprehend how in any way she could be in danger for she knew no one could possibly be procured who would swear that any negroes went in the hack with her or that she knew anything about them or was in any way or manner implicated in their escape unless they swore falsely. She said our laws did not require the innocent to suffer, and conscious of innocence she could not conceive it possible when regularly tried to be found guilty. 'Tis true she had often heard of the innocent being punished while the guilty went free, but she did not know that it was according to law. And thus she went to trial without any witnessess and without knowing what would be proved against her. She states that there was no examining Court in her case, but that she was lodged in Jail and then secretly indicted by the Grand Jury and she thus she had no means of judging what evidence would be introduced against her and could not of course tell the importance of the evidence she now wishes to introduce. It is proper here to remark that she had never seen or read the Indictments against her but she did see and read a copy of the first set of Indictments and her Attorney told her the last were much like the first except she was indicted as Principal, and these Indictments were the only means

she had of judging what the Commonwealth wished to prove, which so far as touched the acts of your affiant she felt confident could not be proved and they were not. But a variety of circumstances were, and now she, for the first time sees the importance of explaining said circumstantial evidence. She conceives that the conversations which were used against her were not obtained from her fairly, and they were obtained from her *in consequence of her ignorance.* When first arrested, she was laboring under the belief that she was bound to answer all questions that were asked her, and for a few days, she thus answered freely, and did not know better, until Judge Davis very kindly informed her she was not bound to answer any question. She then saw the error she had got into, and the danger she was in; some of which conversations she is sorry to say, have been misconceived to her injury. She is also sorry to say that the law permitted so many persons to come and question her out of mere curosity.

The prisoner she conceives ought to have been protected from those unnecessary visitors; and if she had been, she feels quite certain the verdict of the Jury would have been otherwise.

She conceives that under all these circumstances she has not had a fair chance for her liberty; and therefore in a most humble manner asks for a new trial. She does not intend by this affidavit to reflect in the least degree upon the Jailer; but she regrets, that he did not stop those crowds of persons who came without business to hear what they could hear and misconstrue when they came to testify. All this can be remedied by a new trial at which your affiant can take the *onus probandi* and shew her innocence.

The hack also stopped at Millersburg, and the tavern

keeper there invited the persons within to get out, and she wishes to have him examined, for she recollects he brought to the carriage a pitcher of water, and she is inclined to the belief he can state some facts of importance to her. She also wishes to examine a toll-gate keeper this side Blue Licks, who demanded double toll of her hack on its return, and when explained to him to whom toll was paid by said hack as it passed toward Maysville, he then recollected the payment, and said there was another carriage that passed through rapidly without paying toll on Saturday night 28th Sept. 1844. His name she does not know but it can be easily be procured. She also wishes to examine a toll-gate keeper this side of Washington, who stated on her return the facts of the negroes having made their escape, and he also had a handbill, as well as she can recollect; and he said the negroes took to the dirt road that led to the Ohio River left of Washington. She states that her Father is here, and will aid her in getting the above witnesses, and others that he may find important to her in Ohio; and with his influence and means can get them to attend Court in March. She states that she did not get the affidavits of the tavern-keeper at Millersburg, and the toll-gate keepers alluded to in this affidavit, and also of some of the persons on the other side of the Ohio River near Aberdeen for the reasons as follows. Her father went in the stage to Maysville, and could not conveniently stop at the various places; and when he got on the other side of the river, he took the wrong road, and thus missed the place where they changed horses; and she has not had time to procure any of them since his return, which was on Wednesday night last. She would also state that she was surprised in the Court permitting the letter found upon the person of Fairbank to go to the Jury as evidence against

her; for she inquired of Sam'l Shy a few days before her trial if said letter could be used against her, and he said he thought not unless the Commonwealth could prove that your affiant knows something about it, and had sanctioned it in some way, which she knew could not be done, for the first time she knew anything about said letter or its contents, was when said Sam'l Shy read a copy of the same to your affiant.

Affirmed by DELIA A. WEBSTER.

Fayette Circuit Court, Jan. 4th, 1845.

Samuel Shy states that the affidavit of Miss Webster so far as it speaks of facts in relation to himeelf is set forth correctly. He saw Fairbank after he was appointed his Attorney, and learned from him for the first time a *satisfactory explanation in relation to the letter found upon his person*; and he then saw the importance of his evidence in the case of Miss Webster. This was on Saturday and Sunday next, just after the trial of Miss Webster, and Fairbank said he was willing to testify.

Sworn to by Samuel Shy.

THOS. S. REDD, Clerk.

A true copy. Attest. THOS. S. REDD, Clerk.

Fayette County Court, January 4th, 1845.

Aberdeen, December 31st., 1845.

I James Marvin of lawful age do testify and say that I am running a ferry-boat across the Ohio River from Aberdeen to Maysville for James Helm, and have been for several years; and that sometime, as I believe, in the month of September last, near the 20th, and, I think at any rate it was on the Sabbath day, I ferried a hack drawn by two horses across the river, for a man that I afterwards learned to be a Mr. Fairbank, who, I understand was arrested and

committed for conveying negroes from Lexington to Ohio. I noticed the hack and looked into it, and saw no persons therein but white persons, nor about the carriage but white persons, except the driver, and he was a colored man ; and as to the time of the day I think it was between 10 and 12 o'clock.

JAMES MARVIN.

Sworn and subscribed to on the 31st December 1844, before me, THOMAS SHELTON, one of the Justices of the Peace in and for the County of Brown and State of Ohio.

A true copy. Attest. THOS. S. REDD, Clerk.

Aberdeen, December 31st, 1844.

I, JOSEPH STAYTON, of lawful age do testify and say that I am running a ferry boat across the river from Aberdeen to Maysville for Mr. Helm, and have been the whole of the season past ; and that sometime in the month of September last (I think near the 20th, but at any rate on the Sabbath day,) I carried a hack drawn by two horses across the river for a man that I afterward learned to be a Mr. Fairbank, who I understood was arrested and committed for conveying negroes from Lexington to Ohio. I noticed the hack and saw no persons therein but white persons, nor about the carriage but the driver, and he was black. The door was open and one man got out as soon as the hack came on board ; and did not get in until we had got across the river.

JOSEPH H. STAYTON.

Sworn and subscribed to before me this 31st day of December, 1844. THOS. SHELTON.

One of the Justices of the Peace for Brown Co., Ohio.

A true Copy.

Attest. THOS. S. REDD, Clerk.

State of Ohio, } ss.
Brown County, }

Before me one of the Justices of the Peace in and for the County aforesaid personally came John Mitchell of lawful age who being first duly sworn according to law, deposeth and saith,

That, as near as he can recollect, on a Sabbath day last September, somewhere on or near the 20th of the month, I crossed on the ferry boat at the same time a certain carriage crossed drawn by two horses; and as soon as the carriage came on the boat on the Kentucky side the door of the carriage was opened and stood open some time, and a man got out the door; and that he saw no person of color but the driver. And this deponent further saith he thinks there were two trunks on the hind part of the carriage, and thinks on one of the trunks there were three letters; and also states it was a cool morning, and the man walked up to the top of the bank, and then got in the carriage, and further this deponent saith not.

JOHN MITCHELL.

Sworn and subscribed to before me this 31st of Dec. 1844

THOMAS SHELTON, J. P.

A Copy, Attest, THOS. S. REDD.

EXTRACT FROM THE SECOND AFFIDAVIT OF CALVIN FAIRBANK.

"Calvin Fairbank states upon oath that on the 28th day of Sept. 1844, he procured, and hired a hack from Parker Craig, and just before 5 o'clock on the afternoon of that day, Miss Delia A. Webster and himself got into said hack at the residence of Mr. Glass went to the "Dudley House," took on two trunks and then proceeded to the Lunatic Asylum; after which we returned to the city, and thence went on the pike leading to Maysville.

"Some week or ten days previous to this trip, I spoke to Miss Webster in relation to it, but she then declined going, saying it was not consistent for her to leave her school. There was some talk both before and after this about a trip to Versailles, and we expected to go there, and also expected some other members of the family would accompany us; but when the appointed day arrived, it being unpleasant, others relinquished the idea of going, and Miss W. herself was about dissenting, when, being encouraged by the family, as the hack was already hired, she reluctantly set out. Immediately on getting into the hack, I proposed to her as we had been disappointed in our company to Versailles, that we should defer that trip to another day, and go a *part*, if not all the way to Maysville, as I had some business with members of the Conference living in that direction, &c. &c. She at first did not seem inclined, but after a moment's hesitatation said, she could not consent to go all of the way, lest she would not be able to return by nine on Monday morning, but she would go as far as consistent. *I did not oblige her to go against her own will.* She yielded her wishes to mine, and appeared cheerful in giving her assent, though I knew it was with a good degree of reluctance. She insisted on returning by nine o'clock on Monday morning, and I admit that it was wrong in me, to take her so far that she could not possibly get back to meet her engagements.

"She seemed somewhat disaffected,—expressed regret at leaving home,and manifested much impatience to return; and if I recollect right, she two or three times spoke of returning in the stage. And I do know, to a positive certainty, that Miss Webster is innocent of aiding and assisting Lewis, wife and child to escape."

Sworn to by CALVIN FAIRBANK.
Attest, THOS. S. REDD, Clerk.
Fayette Circuit Court, Dec. 23, 1844.

As tending to corroborate several facts mentioned in the course of my narrative, I here append an extract from the *first* Affidavit of Mr. Fairbank praying a continuance of his case; which of course was not read on my motion for a new trial.

FIRST AFFIDAVIT OF CALVIN FAIRBANK.

I can prove as I verily believe by the Tavern Keeper at Millersburg, Ky. whose name I think is Halloway, that I got out of the hack at Millersburg, and said Tavern Keeper stepped up to the carriage and spoke to the persons within and asked them if they would not get out, and entered into a short conversation with them, and I have reason to believe he will state them all to be white persons as I verily believe he saw them, and I verily believe he opened the doors of the hack; I verily believe that the ferryman at Maysville will also prove that all the persons in the hack were white. I also state that my confinement in the jail has been hard in the extreme, and that many persons were permitted promiscuously to visit me, and to question and torment me, and those conversations will be, I fear used against me, many of which I have no doubt will be misrepresented, and especially in relation to a letter found on my person at the time of my arrest. Many of said conversations were also had with me by threats of beating or mistreating me in some way, and some of said persons threatened my life unless I told all I knew; and to appease those persons I have indulged in various suppositions in relation to the manner in which the slaves made their escape and I am informed that they have construed such suppositions so as to say I admitted the negroes went in the hack with me, which is not the fact. I also state that I have been for the most of the

time of my confinement without friends or council to advise with me and aid me to get ready for trial. But I am now able to state to the Court, that I have now counsel (by the assistance of the Court) in whom I can confide with perfect confidence, and to one of them I have communicated all the facts in relation to my case, as well as the facts against me as far as I know, also those in my favor, and he answers me that I cannot go to trial safely at this time, and I am truly sorry for it. For I would infinitely rather go to the Penitentiary and work, than to remain in confinement, as I am, and have been. I was not permitted to write to any person without inspection of the jailor and this has operated against me. For I did not wish the jailor or any one else, save my counsel, to know my witnesses and the facts they could prove, for fear something might be done to keep them away. I was informed that one friend came to assist me and he had to step off with quick speed, and I have not heard of him since, and fear never will, as I understand his life was threatened. My information on this subject may be false. I hope it is. I wish a fair trial and nothing more.

I ask the continuance also on the ground to explain the letter found upon my person, for if a jury can convict Miss Delia A. Webster on that letter, who I know to be innocent of the charge, what would they do with me, and I verily believe I can find some one who can give some explanation in relation to the same, if time is given.

Sworn to by CALVIN FAIRBANK.

Attest, THOS S. REDD, Clerk.

I here insert a few remarks which should have come in immediately after the remonstrance, but which were omitted through mistake :

Inasmuch as there was no legal evidence against me, and as I had already suffered some months close confinement in jail, besides being obliged to submit to the abominable mistakes of witnesses; such as Keizer, that I knew no one at the Asylum,—Mrs. Glass, that I *requested* her to let Fairbank board with her,—appeared to have private chats, &c., and Mr. Franklin, who stated that he heard me say to Mr. Cunningham that three persons got into the hack, all of which testimony is utterly false, and the latter of which, my readers doubtless saw, was disproved by Mr. Cunningham himself. I say with all these things under consideration, together with some smaller mistakes of witnesses, it seemed hard indeed, that my short letter to Gov. Owsley, in which, I only asked for *justice*, not for *mercy*, should call forth such strong remonsrance from one hundred and twenty citizens, most of whom were highly respectable, I had almost said Kentucky's noblest characters. Indeed it was admitted by friends and foes, that my case was tried more severely than had I been guilty of cold-blooded murder. I think there are none so lost to humanity, who will not on a moments reflection admit that this feature of Kentucky law, is truly exorbitant. Indeed Kentuckians themselves think so. For murderers, against whom there exists the most positive proof,—thieves of the deepest die,—and the veriest culprits upon earth, have at all times been permitted to ask the extension of this law, and in no instance did I ever hear of a remonstrance against mercy. This fact tends to show that Kentuckians are not void of feeling except when under the influence of prejudice and powerful excitement. Then, as it is too often the case with others, act from the impulse of the moment.

I felt wounded at this uncommon procedure, but did not

dispond; for I knew that I should never be satisfied unless I established my innocence. And this could more easily be done to the satisfaction of the people, in being acquitted by a jury on a new trial than in any other way. It will be recollected that this motion was contemplated immediately after verdict was rendered. I now understood for the first time what the Commonwealth wished to prove against me, and I knew to an infallible certainty that if my motion was heard, I could prove my innocence. My Counsel lost no time in procuring the foregoing affidavits, and not a doubt was entertained by any of them but a new trial would most unhesitatingly be granted. They said the reasoning and arguments urged in my own affidavits were strong and conclusive, and could not fail to secure me another trial together with the corresponding affidavits of others.

Three o'clock, P. M. Jan. 4, 1845, was the hour appointed to make this important motion, on which so much was pending. I looked forward with lively interest and a pleasant anticipation to this eventful hour, and at nine o'clock, A. M. despatched a letter to my mother, informing her of my happy frame of mind under the brightning prospects. Mr. Shy also wrote to my mother, and Gen. Combs despatched a letter to Hon. Sam'l Phelps in Washington, informing him of the encouragement we all felt in the prospect of a new trial, &c. When the time arrived, I hastened with a light heart to the Court house, believing it would be the happiest hour I had experienced for months. Nor have I a doubt but the Judge intended granting my request, until an awful threat grated on his own ear. Some of my enemies boldly declared they would mob and lynch the Judge himself, if he suffered me to have another trial; and at the very moment, when I was looking for the realization of my hopes, I was ordered to rise and receive my

sentence which was two years confinement at hard labor in the Penitentiary of Kentucky.

My Counsel, shocked and disappointed at the refusal from the Court for a new trial, and unwilling to abandon my case, determined to procure from the Governor a respite of this sentence in order to secure a trial on the remaining Indictments, which the Commonwealth refused to dismiss. To prove myself innocent of the charges in those Indictments, my Counsel knew to be an easy matter, which were precisely of the same character as that on which I had been convicted; and immediately wrote to Gov. Owsly, with full confidence that I would establish my innocence, and escape the Penitentiary.

The letter asking a respit of the sentence, had been taken to Frankfort by a messenger despatched for that purpose; but word came up that the Governor had not seen them, and that they were expecting me down on Thursday. This was the day Mr. Sloan had appointed to go down with me; but my Counsel, thinking it important to see the Governor and make some arrangments in reference to a respite before I went down, inquired of Mr. Sloan, if he must necessarily go on Thursday; and learning that two or three days would make no particular difference with his arrangments, Mr. Shy took the cars that left before light, on Friday, not expecting me until the next day, when he felt confident that a respite would be granted agreeably to my wishes; and thus I would be prevented entering the Penitentiary, and secure a trial on the other indictments while the evidence was on hand, so important to my case.

I leave the reader to judge my disappointment, when I was informed by Mr. Sloan, that I was to go down in the 2 o'clock train, on Friday. Still I had a hope that a res-

pite would be in readiness, and that some friend would be looking for my arrival.

At Midway, I met Gen. Combs, on his return from Frankfort, who was much surprised to see me, and said they had received word in Frankfort, that I was not coming down until Saturday. Still I hoped for the best, I could not think I was about to enter that living tomb; where, in addition to all other grievances, I should be in the care of such a hostile keeper as Capt. Newton Craig, had been represented to be.

I learned also that Mrs. Craig was own cousin to Mr. Megowan, the jailor in Lexington; and Capt. Craig, was cousin to my most vigilant enemy, Parker Craig, who had done me so much injury through Fayette County.

Nor was this all,—Capt. Craig's wife is own sister to this same Parker Craig; and to say nothing of the Captain's feelings toward Abolitionists in general, and the thousands of dollars he has expended in consequence of their invasions, he was an openly avowed enemy of "Negro stealing" as Kentuckians call it, and indulged the most inveterate hatred towards all guilty of such offences; and this was the very crime with which I was charged; and I had every reason to believe his mind was poisoned with the numerous calumnies that by this time filled all Kentucky. Of course, it is not surprising that I clung to the hope of deliverance to the last moment. And when that hope was torn from my grasp, who can paint the awful forebodings that shrouded my mind? It was twilight when the cars reached Frankfort. They stopped within a few rods of the Penitentiary, and as I was passing along the sidewalk, expecting every moment to meet Mr. Shy, who should appear but [illegible] Craig, himself, the very man of all the world I [illegible] to see. My Counsel had

assured me that he was a man of good principles and very much of a gentleman, but I had heard so many conflicting statements in Fayette County, that my mind was considerably biassed against him. Mr. Sloan gave me an introduction; and I scrutinized his every feature as closely, as the lingering rays of twilight would permit. I could see nothing in him to condemn or approve. I entertained no sentiments of abhorrence or animosity toward him, but still I felt an aversion not easily overcome. I entered the walls of the Penitentiary at 5 o'clock, P. M. Jan. 10, 1845. Any effort to portray my feelings on that memorable night would be in vain. Words lose their power when we task them to attempt an expression so inadequate to their strength.

> No language can fathom the fount of that grief;
> When tears flow in billows, yet bring no relief.

Several gentlemen of respectability escorted me to a house within the yard, which I afterwards learned was built expressly for my comfort. Here, after some preliminary remarks appropriate to the occasion, Mr. Craig said he was about to read to me the "Prison Rules," and if I thought them too strict in any particular, he would listen to any suggestion I was pleased to make. He then read the Rules, together with his oath, and the Laws of Kentucky, in relation to the prisoner; after which, he asked me with an impressive look, to judge of his feelings, with myself and those laws on the one hand, and himself, bound by a solemn oath to execute those laws on the other. I told him that I saw nothing in the *Rules*, in the least degree unreasonable, and had no desire to be treated with partiality; nor did I wish him to extend to me any more clemency than the laws of his country, his oath, and the strict discharge of his duty would justify.

He then said *sooner should his blood be spilt*, than I should receive any abuse or unkind treatment while in his care; and sooner should *mine* be spilt, than those laws trampled upon. And if my Father should enter my house in the morning I was *neither to speak* to him, or *pay any more attention to him* than as though he were a stone, without permission from an officer; nor was I to speak to my Counsel, or any one else, without special permission. He closed with a short but very able and touching address, during which my prejudice vanished, and I came to the conclusion that if he were not a christian, he certainly appeared very much like one. The company now retired, soon after which he left me, saying I had nothing to fear, assuring me of his protection. All this passed, and my Counsel had not been apprized of my arrival. I was now alone in the Penitentiary, and happy in the thought that my *new keeper had a heart.* He had said before he left, that he did not allow his mind to be prejudiced against the prisoners, but I could not but see, though he might be unconscious of the fact, it was strongly biassed against me. Nor is it surprising, in a community where the atmosphere was contaminated with the most venomous detraction, that he should inhale its odor.

Next morning Mr. Shy called, and during the conversation I remarked to him, that I had no doubt Mr. Craig was a very good man, but he had heard so much scandal against me and such was the strength of his prejudice, that any effort on my part to conciliate his feelings would be worse than useless. Mr. Shy responded, that Mr. Craig would have an opinion of his own in reference to my case, and though his friends and all Kentucky might be against me, yet he was a man too independent in his principles to base his opinions on the prejudices of others, or on flying rumors.

And whatever might be the *present* state of his feelings towards me, he was sure to be my friend, after he had become acquainted with my case, and examined the facts for himself.

During the day (Saturday) several Ministers of the Gospel called on me—manifested much interest and sympathy in my welfare, and continued to call frequently during my stay in the Penitentiary; thus exhibiting by their conduct that they were not unmindful of the injunction to "remember those in bonds," comfort the afflicted, visit the prisoner, &c. It would afford me pleasure to give the names of some of these Clergymen, but I cannot now recall them. One however occurs to my mind, which I cannot forbear to mention, the Rev. Mr. Bullock, Presbyterian, living in Frankfort. He called frequently during my incarceration, and to him I am greatly indebted for the consolations of many an hour.

Never can I cease to be grateful for his kind attentions, nor forget the satisfaction it afforded me to find him not "ashamed of my bonds," and to see him with some few others, stand unmoved in the midst of the violence of that commotion, which all Fayette County was promoting by the vilest scandal, and breathing out the bitterest imprecations against one who had done nothing to merit their displeasure. O, how sweet in the hour of adversity to be remembered by the precious few, who are indeed God's children. As such I regard Mr. Bullock. His face is so full of Heaven—his every word breaths such a sweet and christian spirit—while his whole deportment so admirably recommends the religion of Jesus, that it seems to me, that heart must be hard indeed, that is not inspired with a devotional feeling in his presence.

As my readers are doubtless impatient to hear what other

comforts I enjoyed, and how the time passed with me in in the Penitentiary, I will no longer keep them in suspence.

Though all the other prisoners, (about one hundred and fifty in number,) were lodged in dark cells, I was permitted to be sole tenant of a small frame house, with plain boarding, erected especially for my convenience. This house contained only one room, but was well furnished, and sufficiently large and commodious to answer the purposes of workshop, study, lodging, dining-room and parlor. It was well lighted with five windows, and not only comfortable, but very pleasant. I was not locked in here, as I had been for the last three or four months in the Lexington jail, but was privileged with free egress and ingress, at any time during the day, and could thus enjoy the open air at my pleasure. My windows were not grated with huge bars, the very sight of which was forbidding to my nature, nor was I debarred from raising them to ventillate my room, or to inhale the invigorating breeze of a delightful morning. Thus it will be seen I was treated more as a rational being than as a maniac.

Scarcely a day passed, but ladies and gentlemen of the first class visited me, and many of these interviews, contributed very much to my enjoyment. The Legislature was then in session, and most, if not all the members of both houses called on me, and I am happy to say, expressed to me their warmest sympathies.

Instead of being required to put on the prison garb, I wore my usual apparel. Nor was I *required* to perform any kind of labor; but some light sewing was brought in for my own amusement. I was also furnished with a fine library to which I had free access. Indeed, I had many comforts, and most of all, a faithful, sympathizing, and

christian keeper; and I must be as insensible as a stone, when I cease to appreciate his kindness.

To Mrs. Craig, the lady of the principal keeper, I became most ardently attached. She often visited me in my room, and sometimes invited me to walk out with her, thus doing all in her power to promote my happiness. She took care that my food was of the best and most delicious quality, and prepared with neatness and elegance; and I I felt that I was not only in "a land flowing with milk and honey," but that I was fed from one of its most exuberant tables. Mrs. Craig is a lady of strong and well balanced mind and appeared perfectly regardless of the flying rumors assailing my moral standing.

She, doubtless, in investigating the grounds of suspicion, saw through the policy of my enemies, inasmuch as they had failed to prove me guilty of freeing the slaves in question, to overthrow my moral character, in order to sustain their own reputation. Never shall I forget her repeated acts of kindness, when, in every thing she did in my behalf, she exposed herself to censure.

This little work will not admit of enlarging on this theme, nor giving that credit to my friends which strict justice demands, though it would afford me pleasure to dwell upon their merits. Suffice it to say, I was treated more like a daughter, than a prisoner; and though those magnanimous spirits in whose care I was placed, were thereby exposed to the censure of ignorant and narrow minds, it is gratifying to remember they were upheld and justified by the Governor, Lieutenant Governor and state Legislature.

I now come to speak of my pardon. I had been in the Penitentiary but a few days before it was proposed to me to accept a pardon, on conditions that I would immediately leave Kentucky, and never again return. I could not con-

sent to those conditions, and expressed a decided preference to remain in the Penitentiary until the prejudice should subside. My friends urged me to accept a pardon on almost any conditions, thinking a release, (if not on terms exactly pleasing to me,) preferable to farther imprisonment. This point was pressed several days. I then told them, I was not only *willing*, but *anxious* to return home; but I could not consent to leave, so long as there were other indictments pending against me. I preferred a trial on the other indictments, after which I would gladly leave the State; but I could not think of pledging myself *never* to return. It was then proposed to have the other indictments dismissed. Still, I could not endure the idea of promising I never would, under any circumstances, return to Kentucky. The Governor asked me, which I would rather do, say I would *leave the State never to return*, and have the sentence remitted by a *pardon*, or stay and serve out my two years? I replied, that if I were to yield the point in question, and make the pledge, which the people required, it would be done contrary to my wishes; for I could never do it voluntarily. All my feelings revolted at such a compromise, and inasmuch as I could not act in it heartily, rather than submit to conditions that could be construed unfavorably to my sincerity, I would stay and serve out my sentence. I further said to his Excellency that I did not like the idea of banishment. I was *morally* and *legally* a free citizen of the United States; and could see no reason, justice, or propriety, in my being deprived of visiting any portion of the Union, or going, or living where I pleased. I might never desire to return to Kentucky, and probably never should; but if I wished to return and resume my school, or visit a friend, I would not be debarred the privilege. That I thought it not honorable in Kentucky to offer me a condi-

tional pardon, and I was exceedingly averse to anything that bore any semblance to exile, &c. The Governor responded, that all his sympathies were enlisted in my behalf, and so far as concerned his own feelings, he had no wish to exile me, or require any pledge or condition, but he was assured if he were to pardon me without any compromise on my part, the people would not be satisfied. He admitted the requirement to be hard, but said he must act for the people.

During this time, every effort was being made for my release. Both houses of the Legislature were uniting their influence with that of my Father, Counsel and Friends, and had nearly succeeded on Saturday, 25th January, when some, overjoyed at the brightning prospect, told in town that my pardon was about being signed, and would be sent to me at sunset. From this it was instantly rumored that I was already released, which greatly incensed that portion of the populace who were my enemies; and I sent to the Governor, saying, I was not so selfish as to wish a pardon, if he, in granting one, would expose himself to censure, or endanger the interests of the State. His Excellency, being a man of consideration, thought it best to let the excitement subside a little, and concluded to defer bringing the matter to an issue, until the following Monday. Meanwhile, report went up to Lexington that my pardon was effected; and early on Monday morning there came down a volley of almost unequalled abuse upon his Excellency for presuming to interfere; on which, I was informed his friends hastened to him, and advised a postponement, thinking that his own safety required farther deliberation before taking a step on which seemed pending consequences of vast importance. He listened to their counsel, and it once more became my duty meekly to submit to the continuance

of my bondage. This disappointment was painful to my friends, and exceedingly trying to myself; but I have never been disposed to cast any reflections upon the Governor; and though some of my friends at the South, as well as in the Free States, felt inclined to censure his want of humanity, I think they would have entertained different views, had they realized the high tone of excitement, which at that time pervaded the community.

His Excellency called on me several times, and continued to manifest a friendly feeling during my incarceration; and on Monday morning, 24th February, sent me a Free and Full Pardon; I having been in confinement, from the time of my arrest on the 30th September, (about five months,) and in the Penitentiary six weeks.

I left Frankfort on the 25th February, and after a pleasant journey of fourteen hundred and forty miles, accomnied by my Father, arrived safely inVergennes, my native town, March 14, 1845.

Once more I must allude to the kindness of my Kentucky friends, to whose influence I am deeply indebted for my early release. I cherish a high respect for the Commonwealth of Kentucky, and do not consider the State to blame for my persecutions, which were only the result of the malice of a few individuals,—such as Mr. Thomas B. Megowan, who on one occasion sternly demanded a private letter which I received while in his care, from a friend in Lexington, and which I was unwilling he should see. But when he solemnly pledged me his word and honor that he would not take it from my room, but would return it to me immediately, and never speak of its contents, I submitted it to his perusal. Suffice it to say, he took said letter from my room--circulated its contents--and I have never seen it since.

Inasmuch as some have assailed my moral character since they failed to prove me guilty of the charges upon which I was tried I here introduce the certificate of my Pastor, Rev. Harvey F. Leavitt.

Vergennes, Vt. April 10, 1845.

This certifies, that Miss Delia Ann Webster, as appears from the records of the Congregational Church in this City, united with the same on the 4th day of September, 1831, and has ever since continued in good and regular standing in the same. That since the summer of the year 1836, I have been the Pastor of said Church, and have personally known Miss Webster, and have uniformly esteemed her as a young lady of correct, moral and religious principle; and unexceptionable, and consistent christian deportment. That sometime in the fall of the year 1841 she left for the West, for the twofold purpose, as I am informed, of improving her health and education. That as she did not contemplate a long absence, she did not take a letter. H. F. LEAVITT,

Pastor of the Congregational Church in Vergennes, &c.

THOUGHTS ON SLAVERY.

The reader will expect, before I conclude this work, that I should give my views of the character of American Slavery. My sentiments upon this subject may be pretty clearly gathered from what has been expressed *incidentally* already, but since so much has been said in relation to *a change* in my views, it will be expected that I should be more distinct and full in my declarations. I have never yet read any publication issued by the Abolitionists. What I shall say therefore, will be the result of conviction from youth, and personal observation.

From my earliest knowledge of the existence and nature of American slavery, I have had an utter abhorence of it, as a system of uncompounded wickedness, alike opposed to Christianity, and the principles of a Republican government. Indeed I think it almost as bad as the Devil and wicked men can make it.

These sentiments I have never disguised either in Kentucky or elsewhere. It is true I denied being an Abolitionist in the sense of Kentucky construction, and I still deny it; for I am, and ever *have been*, as bitterly opposed to what is termed "*Negro Stealing*;" as Kentuckians themselves.

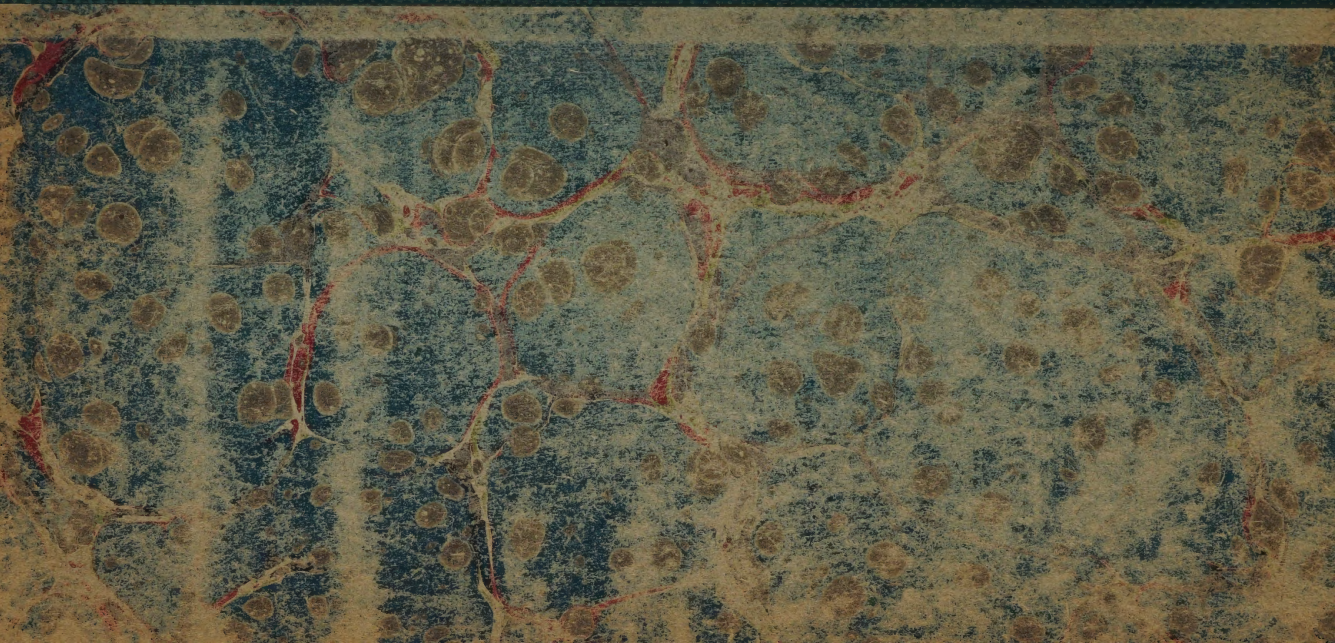
I believe the zeal of those who would seduce the slave from his master, is altogether misdirected. For though the condition of individual slaves may thus be greatly improved,

the chains of thraldom are riveted tighter than before on the remaining thousands, who must still drink the bitter waters of slavery. Nor do I approve of any thing which has a tendency to sow discord or to create feelings of animosity between the North and South. I am decidedly opposed to a dissolution of the Union. For I consider the *North* as deeply implicated in the guilt of slavery as the *South, and far more inexcusable.*

I would not be understood that my abhorrence of this institution arises merely from the fact of injustice to the slave. It is injustice to ourselves. It is a canker worm, gnawing at the vitals of our best interests, and eating out the fat of the land, and making our country poorer and leaner every day.

Though my understanding cannot sanction any interference with the claims of the South or any violation of the rights which the constitution secures to the Slave holder, my sympathies must ever congratulate the slave who makes his own voluntary and harmless escape. I believe the diffusion of light, with the active exercise of a christian spirit, would produce such a revolution in public sentiment, that the Legislatures of the slave States would soon adopt some plan to remedy this evil,—and I must applaud any just, safe,and politic measures to banish this curse from our land. But above all things I would have it done legally and with a sacred regard to the preservation of our Union and the Constitution of our beloved Country.

I could enlarge upon this subject but have not the space to do so in this work,and shall not be expected to go beyond the simple expression of my sentiments at this time. But will merely add in relation to slavery in Kentucky, that public feeling is opposed to cruelty. The slaves are generally faithful and much attached to their owners who treat them with as much liberality as servitude will bear. True, I have witnessed some of the most heart-rending punishments, but consider them only isolated instances of abuse. So far as I was able to learn, they generally appeared to be well fed—well clothed and cheerful as could be expected.

I am not conscious of any change having been produced in my mind during my residence in the slave states, except that I acquired more sympathy for the slave, and more for his master.

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